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ANALYZING THE VARIABLES THAT INFLUENCE ACCESS TO BANK FINANCING FOR SMALL AND MEDIUM ENTERPRISES IN KOSOVO AND NORTH MACEDONIA

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Abstract: *This study aims to analyze variables that influence access to bank loans by SMEs in Kosovo and North Macedonia. Research methodology is compound by primary and secondary data. We hypothesized that the age of the SMEs, business size, written business plan, collateral type, and business experience before starting as an owner, owner education, and owner gender influence access to bank loans for SMEs. Econometric model results revealed that age of the SMEs, business size, and written business plan has a significant influence on bank loans borrowed by SMEs, while, collateral type, business experience before starting as an owner, owner level of education, and owner gender have no significant influence on bank loans borrowed by SMEs in the Republic of Kosovo. Furthermore, from the results obtained we revealed that age of the SMEs, business size, written business plan, and owners' level of education has a significant influence on bank loan borrowed by SMEs, whereas, collateral type, business experience before starting as owner and owners gender have no significant influence on bank loans borrowed by SMEs in the Republic of North Macedonia. The findings suggest some future lines of research at the end and provide recommendations for the main stakeholders of this field of study.*

Keywords: *SMEs; Financing; Bank Loans; Growth; Comparison; Kosovo; North Macedonia*

INTRODUCTION

As developing countries, it is understandable that Kosovo and North Macedonia face a considerable number of economic problems. Around 99% of businesses in Kosovo and North Macedonia are SMEs. This percentage shows us that Small and Medium Enterprises (SMEs) development has a key role in the economic development of these countries. Bank loans are one of the main sources of external financing for SMEs in both countries and knowing that financing constraints are considered as one of the most important barriers that SMEs face, moreover, being aware of the crucial role of the SMEs in the economic development of every country, we analyzed the factors that influence the access to bank loans by SMEs.

According to studies by McKinsey and the International Finance Corporation (IFC) the total number of SMEs worldwide amounts to between 420 and 510 million. In 2013 across the EU28, some 21.6 million SMEs in the nonfinancial business sector employed 88.8 million people and generated 3,666 trillion € in value-added. Expressed another way, 99 out of every 100 businesses are SMEs, as are 2 in every 3 employees and 58 cents in every euro of value-added (North and Varvakis 2016).

As mentioned above, SMEs are a key factor that impacts the economic development of every country. Their growth contributes positively to economic development, through reducing the unemployment rate, innovations, various products and services in the market, etc. Nevertheless, to grow they need financial support. Additionally, to help in this field we must determine the variables that influence access to bank loans by SMEs, in Kosovo and North Macedonia. Financing SMEs and their access to finance play a crucial role in growth and development and are key determinants of business startups. It is worth mentioning that SMEs have different needs and face different challenges concerning financing compared to large businesses (Risteska *et al.* 2014).

One of the biggest barriers for SMEs to grow is when they have to finance from external sources like applying for loans from Banks. In this context, The Investment Climate Survey conducted by the World Bank shows that access to finance improves firm performance. It does not only facilitate market entry, growth of companies, and risk reduction but also promotes innovation and entrepreneurial activity. Furthermore, firms with greater access to capital are more able to exploit growth and investment opportunities. In other words, aggregate economic performance will be improved by increasing access to capital (European Commission 2011). Access to finance is key to business development. Investment and innovation are not possible without adequate financing. Difficulty in getting finance is one of the main obstacles to the growth of many businesses, particularly small and medium-sized enterprises (SMEs). Financial flows to SMEs are increasing but remain subdued. Access to finance is still perceived as an important problem by several SMEs.

Comparing different types of enterprises, micro-enterprises and more innovative businesses, in particular, consider their financing as the most pressing problem. Bank loans remain the most important source of external financing for SMEs in the EU (European Commission 2014).

The binominal business-bank relationship is critical for the growth and development of SMEs. Like in the other countries, SMEs in Kosovo and North Macedonia when they do not have enough internal funds to finance their business activities, they seek external funds, which usually are bank loans. The discussion of the relevant literature related to the access to SMEs finance, as well as to investment finance is of particular importance (Krasniqi 2004). According to Beck *et al.* (2007), the SMEs' access to, and cost of, finance is quite often characterized as a major difficulty, up to extent of 35 percent. It should also be stressed that the small firms come with more difficulty to loans since they encounter higher transaction costs and higher premium risks, for they are more fragile and they offer lower collaterals (Tmava 2013).

In Kosovo, bank credit is among the few external financing sources of SMEs and this is one of the reasons for the high cost of financing from banks (Grace's short period, high operational costs, huge collateral requirement up to double of the required funds for the loan, the short period of the use of financial assets even in the case of investment loans). Concerning SMEs financing, North Macedonia is in a similar position as many other emerging countries. It is completely clear that for establishing and successful functioning of a given small or medium-sized enterprise, appropriate financial sources are necessary (Risteska *et al.* 2014). This is exactly the reason why we chose to make research in this field, because, it is very important to identify the factors that influence access to bank loans by SMEs. In this research, we will present data from our observation that we have conducted in manufacturing and commercial (trade) oriented SMEs in the Republic of Kosovo and the Republic of North Macedonia.

To conduct this research, we have applied the data collected from primary sources, through a questionnaire with 300 respondents each in Kosovo and North Macedonia. Specifically, we will attempt to analyze the research questions as follows:

RQ1: Do the factors selected influence access to bank loans?

RQ2: Do the business plan and the type of collateral facilitate access to bank loans?

RQ3: Does the level of education and experience of business owners influence access to bank loans?

The contribution of this study is the expansion and advancement of academic literature in this field, to analyze the factors that have an impact on financing. The study also uses primary qualitative and quantitative data to conceptualize the objectives of the

paper. Furthermore, the study addresses the issues highlighted from the perspective as follows: First, the theoretical part which will make a contribution based on data evidence and to understand in more detail the factors that affect the facilitation of approaches to finance, secondly it offers original empirical research using data for two countries applying the multiple regression model, and thirdly a perspective from the policy-making angle in terms of creating facilities to create a more favorable aspect for the development of their activities.

THEORETICAL BACKGROUND

Small and Medium Enterprises (SMEs) are considered the backbone of the economic development of every country. The growth of SMEs contributes to the economic development of both developed and developing countries. A globalized world market enables the activity of SMEs, which are becoming the driving force of economic development. Such movements led to changes in production philosophy in the most developed countries in the world during the last decades of the 20th century when the era of giant corporations was changed by an era of small enterprises, which promote the spirit of creativity and individualism, opposite to standardization and globalization promoted by the big and multinational corporations (Risteska *et al.* 2016).

Results from research are done in Kosovo from RIINVEST (2015) shows that access to finance is one of the top barriers for businesses expansion, and, the banks in Kosovo has the highest interest rates in the region (compared with Albania, North Macedonia, Montenegro, Serbia, and Bosnia and Herzegovina) which is a major obstacle to SMEs development. Accordingly, access to finance is a significant issue for SMEs in North Macedonia. The underdeveloped financial market, unawareness of additional sources of finance; illiquidity issues of the companies have made them susceptible to financial shocks from the domestic and the world's economy. Hence, most of the companies have used bank loans, although, they have initially suggested that commercial banks are offering banking loans with high-interest rates (Boshkoska and Lazaroski 2016). While SMEs, in general, have disadvantages in accessing finance certain types of SMEs are particularly disadvantaged, due to (1) size, such as micro-and informal enterprises, (2) age, as start-up and younger enterprises have a limited or no credit track record, less experienced entrepreneurs, limited collateral particularly in the form of fixed assets. The category of SMEs is of particular concern as these can provide a key source of output and employment growth (Harvie, Narjoko, and Oum 2015). Because financial markets are imperfect, securities buyers and sellers do not have full access to information. Individuals with available funds normally are not capable of identifying creditworthy borrowers to whom they could lend those funds. In addition, they do not have the expertise to assess the creditworthiness of potential borrowers (Madura 2018). Related to this, it is very important to elaborate on the agency theory based on

asymmetric information. Asymmetric information is a central assumption in agency theory. Perfect information reduces the threat of opportunism as it makes it easier to detect actors' opportunistic behavior (Petersen 1993). In such an ideal situation, the principal would therefore employ a behavior-based contract and compensate the agent accordingly (Eisenhardt 1989). However, in a buyer-supplier relationship, the actors have access to different and often insufficient information about their partners' behavior. In an international supply chain, information issues are further complicated by cultural and physical distances between actors. If actors in a supply chain relationship are within a close distance, other things being equal, it would be easier (or less costly) to obtain wanted information. Similarly, the greater the distance the harder (or more expensive) it becomes to obtain wanted information (Delbufalo 2018).

Conceptual Framework

The conceptual framework of this study centered on the influence of business and owners' characteristics on SMEs' accessibility to bank loans in Kosovo and North Macedonia. The variables from this conceptual framework hypothetically were tested to establish whether there were any significant relationships between independent variables and dependent variables. The independent variables of this study are the age of the SMEs, business size, written business plan, collateral type, business experience before starting as owners, owners' level of education, and owners' gender, while, the dependent variable is bank loan borrowed by SMEs.

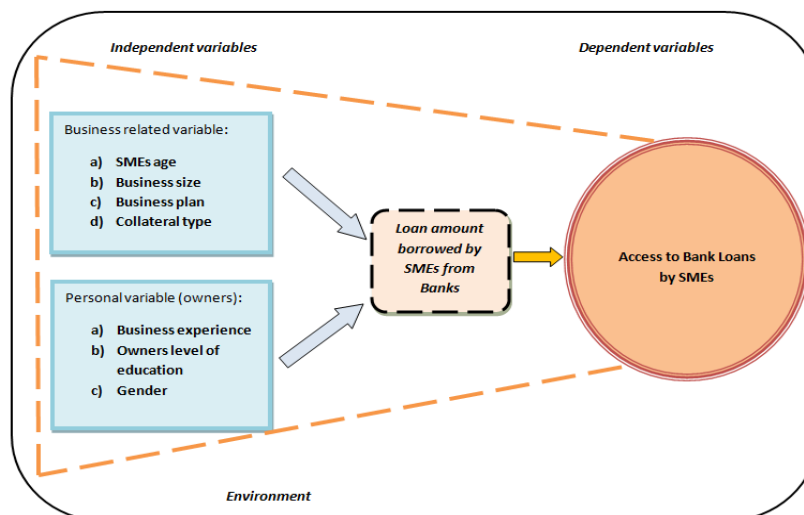


Figure 1: Conceptual Framework of Research (Source: Authors' depiction)

Research Variables

Business and owners characteristics are among the major characteristics that can influence SMEs' accessibility to finance from banks in Kosovo and North Macedonia. Factors that we have analyzed through this study are as follows:

Bank Loan

Dependent variable:

Access to finance (bank loan) is key to business development. Investment and innovation are not possible without adequate financing. Difficulty in getting finance is one of the main obstacles to the growth of many businesses, particularly small and medium-sized enterprises (SMEs). Financial flows to SMEs are increasing but remain subdued. Access to finance is still perceived as an important problem by several SMEs. Comparing different types of enterprises, micro-enterprises and more innovative businesses, in particular, consider their financing as the most pressing problem. Bank loans remain the most important source of external financing for SMEs in the EU (European Commission 2014).

Across the globe, bank finance remains the most important source of external financing for SMEs. Many factors influence the availability of bank financing for SMEs, including the competitive environment in the banking system, the legal framework for bank lending, and the financial readiness of borrowers (OECD *et al.* 2020).

Independent variables:

SMEs age

While SMEs, in general, have disadvantages in accessing finance certain types of SMEs are particularly disadvantaged, due to (1) size, such as micro-and informal enterprises, (2) age, as start-up and younger enterprises have a limited or no credit track record, less experienced entrepreneurs, limited collateral particularly in the form of fixed assets. The category of SMEs is of particular concern as these can provide a key source of output and employment growth (Harwie, Narjoko, and Oum 2015). Older companies will find easier access to finance and vice versa (Beck, Kunt, Leaven, and Maksimovic 2003). This also happens in developing countries (Abor 2008). Thus, we propose the following hypothesis:

H1: The age of the SMEs influences bank loans borrowed by SMEs.

Business Size

SMEs have generally experienced greater difficulties than their larger counterparts in accessing finance primarily due to the higher risk they represent, especially those without significant credit history or track record (BIS 2010).

There is a widely held perception that businesses - particularly small businesses - face unprecedented capital access challenges. For instance, a recent study of small business capital access in North Michigan found that lack of capital was a problem for small businesses, particularly young firms, and that inadequate capital was keeping firms from growing and adding employees (Snyder *et al.* 2011). Beck, Demirgüç-Kunt, and Maksimovic (2005) further clarify how financial constraints affect firms of different sizes. They conclude that financial constraints affect the smallest firms most adversely and that an incremental improvement of the financial system that helps relax these constraints will be most beneficial for SMEs.

Small firms identify lack of access to financial services as one of the key constraints to growth and investment, SMEs are usually constrained than other segments of the economy because of the following: (a) financial sector policy distortions; (b) lack of know-how on the part of banks; (c) information asymmetries, for example, lack of audited financial statements; and (d) high risks inherent in lending to SMEs (Malhotra *et al.* 2007). Commercial banks often prefer to lend to larger enterprises, as they considered lending to small enterprises to be too risky, and their capacity to evaluate credit risks is often low (Bartlett 2008). Thus, we propose the following hypothesis:

H2: Business size influences bank loans borrowed by SMEs.

Business Plan

To get any new business idea off the ground or develop and better manage an existing business, you must have a plan and if you need to raise finance to fund the business or get the approval of senior management, it must be a convincing plan (Friend and Zehle 2009). Most business plans are prepared to secure some form of funding. In the case of new business ideas, banks, venture capitalists, private equity, and other providers of capital place great emphasis on the business plan, as this is often all they have to rely upon. To get approval or finance for a project and to help manage it is a common reason for producing a business plan. A business plan describes the business's vision and objectives as well as the strategy and tactics that will be employed to achieve them. A plan may also provide the basis for operational budgets, targets, procedures, and management control (Friend and Zehle 2009). The variable of the business plan has a significant effect on SMEs' startup bank loans and the sign of its

coefficient is found to be positive. Theoretically, it is assumed that the business plan and SMEs' startup bank loans would be positively affected. The study has proven that a business plan can have a positive influence on SMEs' startup bank loans. Many studies have found that SMEs which have written business plans stand a higher chance of getting a bank loan (Abdesamed and Wahab 2012).

Financial characteristics like start-up capital, the current status of capital, interest rate, business plan, etc. directly affect the access to finance by SMEs (Chowdhury and Alam 2017). Thus, we propose the following hypothesis:

H3: Written business plans influence bank loans borrowed by SMEs.

Collateral type

Collateral refers to the extent to which assets are committed by borrowers to a lender as security for debt payment (Gitman 2003). The security assets should be used to recover the principal in case of default. SMEs in particular provides security in form of properties (houses, businesses, the car, and anything that could bring back the principal) in case of default on loans (Garrett 2009; Osano and Languitano 2016). Beck *et al.* (2006) using the World Business Environment Survey (WBES), find that collateral requirements are the third of the 12 most important financing obstacles for SMEs. Results from the EBRD and World Bank Business Environment and Enterprise Performance Survey (BEEPS) in Eastern Europe and Central Asia indicate that collateral is the fourth most important financing obstacle for external loans. Bester (1985) shows that when borrower quality is unknown, banks can use collateral as a screening device to differentiate between good and bad borrowers (Rahman *et al.* 2017). The study found that collateral requirements influence access to finance by SMEs in Mozambique. Most SMEs are denied and discriminated against by lenders in the provision of financing. This is because of high risk and for not having adequate resources to provide as collateral. The study also found that houses, land, and businesses are used as security and that banks demand SMEs to post the collateral to reduce moral hazard (Osano and Languitano 2016). Thus, we propose the following hypothesis:

H4: Collateral type influences bank loans borrowed by SMEs.

Owners Business Experience

Entrepreneurial skills are personal traits, experience, and human capital that favor experimentation, risk-taking, and ultimately the growth of incumbent firms (Lederman *et al.* 2014). Young people may suffer from negative social attitudes about their capabilities for entrepreneurship that negatively affect their self-perceptions and opportunities to

access key resources needed in business, including financial resources, employees, and entrepreneurship-related social capital (Grilo and Irigoyen 2006). In some cases, they can be perceived as too young to be taken seriously and therefore face disapproval or lack of support from family and friends, customers, suppliers, banks, and other organizations (OECD 2013).

On the surface, it might be expected that older people will face fewer barriers in accessing external finance for business start-ups and development than younger entrepreneurs since they will tend to have greater savings, collateral, entrepreneurship skills, and business networks (OECD 2013). Senior entrepreneurs can take advantage of a wealth of knowledge, practice, learning, and experience that they have acquired through their working lives, together with an accumulated web of formal and informal work-related networks giving access to customers, suppliers, investors, business advice, and support and other resources. However, while seniors may have acquired the technical skills needed for entrepreneurship, they have not necessarily developed business management and personal entrepreneurial skills if they spent most of their years working as employees rather than business owners, and have not worked in management (OECD 2013). Thus, we propose the following hypothesis:

H5: Owners' business experience influences bank loans borrowed by SMEs.

Owners Education

Entrepreneurs include all individuals in a position to make important strategic decisions in a firm, including managers, chief executive officers, founders, and engineers (Lederman *et al.* 2014). Education increases the likelihood of survival of new firms and subsequent economic performance (Acs, Armington and Zhang 2007), particularly for high-tech start-ups, where the founder's human capital is a key driver of growth (Colombo and Grilli 2010; Arvanitis and Stucki 2012; Lederman *et al.* 2014). Irwin and Scot (2010) based on their research, found that education plays an important role in bank's lending decisions because entrepreneurs with better education have more chances to borrow from banks. The educational level of the study participants positively influenced the likelihood of access to finance by the MSE firms at a 5 percent significant level (Tefera 2019). Thus, we propose the following hypothesis:

H6: Owners' education influences bank loans borrowed by SMEs.

Owners Gender

The gender gap in SMEs growth is still a relatively unexplored topic, but a growing literature documents that, relative to men, women entrepreneurs are more afraid to grow their business. Empirical evidence suggests that women-owned firms tend to be smaller than firms owned by men and grow at a slower rate (GFDR 2014). Furthermore, gender-based obstacles - unconventional thinking, cultural and social values, family responsibilities, lack of management skills, and small amounts of personal capital to be used for start-ups or collateral - may aggravate the difficulties women face (OECD 2001). In the case of female entrepreneurs, the evidence, although limited, suggests that both nascent and established women entrepreneurs experience greater difficulties in financing their business ventures in comparison to their male (Henry, Johnston and Hamouda 2006). Thus, we propose the following hypothesis:

H7: Owners' gender influences bank loans borrowed by SMEs.

RESEARCH METHODOLOGY

Data and Sample

The research paradigm is quantitative. We designed a questionnaire for SMEs in Kosovo and North Macedonia which contained 25 questions that were structured in three blocks that were the general business questions, questions to identify the challenges faced by SMEs when financing through bank loans, and questions related to entrepreneurs as owners of SMEs. The target population in this research is two groups of SMEs: trading companies and manufacturing companies from all the regions in both countries Kosovo and North Macedonia, and, banks in both countries. The total population of our research is presented in the table below.

Table 1: Number of the research population (Source: Kosovo Statistics Agency; State Statistical Agency of North Macedonia)

	Kosovo	North Macedonia
Trading	15,969	21,000
Manufacturing	4,893	7,447
Total	20,862	28,447

To investigate the effect of independent variables and their effect on external financial access, a questionnaire was distributed to 600 businesses (300 in Kosovo and 300 in Northern Macedonia). The random method to stratification sample has been

used, providing equal opportunities and probability to all businesses. On the stratum of the sample, the following specifics were used: active businesses, the size of the business, and the activity in which they operate, with the sole purpose of achieving the most adequate representation. Budget, time, resources, and other constraints may affect sample size considerations as well (Bartlett *et al.* 2001). It is often challenging for researchers to physically approach a geographically dispersed population due to limited financial resources. Traveling through different states to collect data or hiring enumerators to do so to secure an adequate and representative sample is both time-consuming and costly (Memon *et al.* 2020). According to the confidence level of 95% and margin of errors 0.05, we must say that our selected sample almost fulfills the number of SMEs that must be included in the sample size¹.

In both countries, we used random samples in selecting SMEs for surveys in both sectors because of its ease of assembling the sample. It is also considered as a fair way of selecting a sample from a given population since every member is given equal opportunities of being selected. Another key feature of simple random sampling is its representativeness of the population. Data were collected in the period from June 2018 to March 2019. The research sample is explained as below:

- We realized a survey with 300 SMEs in the Republic of Kosovo.
- We realized a survey with 300 SMEs in the Republic of North Macedonia.

A research approach is a positivist approach, which means that only 'factual' knowledge gained through observation (the senses), including measurement, is trustworthy. The current study used cross-sectional data, which consisted of quantitative data, which was captured, coded and analyzed using the Statistical Package for Social Sciences (SPSS) computer software. All variables, including the response to the open-ended questions and closed-ended questions, were coded before being captured in SPSS (Martin and Acuna 2002).

Model Specification

There are different types of regression models, namely linear regression, logistic regression, polynomial regression, stepwise regression, ridge regression, lasso regression, and elastic net regression (O'Gorman and MacIntosh 2015). However, the type of regression model used is mostly dependent on the choice of the dependent variables. To analyze the effect of the independent variables in the dependent variable we decided to use the multiple linear regression which is used when we want to predict the value of a variable based on the value of two or more other variables.

¹ Research Sample Size from Research Advisers (2006).

Multiple regression also allows determining the overall fit (variance explained) of the model and the relative contribution of each of the predictors to the total variance explained. Multiple linear regression attempts to model the relationship between two or more explanatory variables and a response variable by fitting a linear equation to observed data. Every value of the independent variable x is associated with a value of the dependent variable y .

The model for multiple linear regression, given n observations, is:

$$y_i = \beta_0 + \beta_1 x_{i1} + \beta_2 x_{i2} + \dots + \beta_n x_{in} + \varepsilon_i \dots (1)$$

Where:

- y_i = the predicted value of the dependent variable
- β_0 = the y-intercept (value of y when all other parameters are set to 0)
- $\beta_1 x_{i1}$ = the regression coefficient (B_1) of the first independent variable (X_1) (a.k.a. the effect that increases the value of the independent variable has on the predicted y value)
- \dots = do the same for however many independent variables you are testing
- $\beta_n x_{in}$ = the regression coefficient of the last independent variable
- ε_i = model error (a.k.a. how much variation there is in our estimate of y)

$$y_i = \beta_0 + \beta_1 \text{Age} + \beta_2 \text{Size} + \beta_3 \text{Bus}_{\text{plan}} + \beta_4 \text{Collateral} + \beta_5 \text{Ownerr}_{\text{Experience}} + \beta_6 \text{Ownerr}_{\text{Edu}} + \beta_7 \text{Gender} + \varepsilon_i \dots (2)$$

EMPIRICAL FINDINGS

We applied different statistical methods to analyze the data. It was run the R^2 test and Anova table also to see if the model fits the data. From the results obtained we revealed that from our R squared value our independent variables explain 26.3% in Kosovo and 41.6% in North Macedonia of the variability of our dependent variable that is the bank loan.

Table 2: Model summary (Source: Authors' depiction)

Model	R	R^2	R^2 Adjusted	Std. the Error of the Estimate	Significance F Change	Durbin-Watson
Kosovo	.513a	.263	.223	.636	.000	1.814
North Macedonia	.645a	.416	.381	.542	.000	2.097

a. Predictors: (Constant), If yes, what was used as collateral?, Size of the company, Owner's gender, Business experience before starting as an owner, Written business plan, Age of the SME (The year of establishment), Owner's level of education.

To analyze the data we performed the Durbin-Watson test. The Durbin-Watson statistic tests the null hypothesis that the residuals from an ordinary least-squares regression are not autocorrelated against the alternative that the residuals follow an AR1 process. The Durbin-Watson statistic ranges in value from 0 to 4. A value near 2 indicates non-autocorrelation; a value toward 0 indicates positive autocorrelation; a value toward 4 indicates negative autocorrelation. Because of the dependence of any computed Durbin-Watson value on the associated data matrix, exact critical values of the Durbin-Watson statistic are not tabulated for all possible cases.

Instead, Durbin and Watson established upper and lower bounds for the critical values. Typically, tabulated bounds are used to test the hypothesis of zero autocorrelation against the alternative of positive first-order autocorrelation, since positive autocorrelation is seen much more frequently in practice than negative autocorrelation. To use the table, you must cross-reference the sample size against the number of regressors, excluding the constant from the count of the number of regressors. The conventional Durbin-Watson tables are not applicable when you do not have a constant term in the regression. Instead, you must refer to an appropriate set of Durbin-Watson tables. The conventional Durbin-Watson tables are also not applicable when a lagged dependent variable appears among the regressors. From the results obtained in Kosovo, the Durbin-Watson coefficient was 1.814, whereas, in North Macedonia, was 2.097. Results revealed that there is no autocorrelation in the model used because the results are within the range of 1.5 to 2.5.

Table 3: ANOVA (Source: Authors' depiction)

Country	Model	Sum of Squares	df	Mean Square	F	Significance
Kosovo	Regression	18.630	7	2.661	6.579	.000 ^b
	Residual	52.187	129	.405		
	Total	70.818	136			
North Macedonia	Regression	24.645	7	3.521	11.988	.000 ^b
	Residual	34.656	118	.294		
	Total	59.302	125			

a. Dependent Variable: Bank Loan, b. Predictors: (Constant), Owner's gender, Size of the company, Written business plan, Age of the SMEs (The year of establishment), Collateral type, Owner's level of education, Business experience before starting as an owner.

From the results obtained we revealed that the model as a whole was significant to predict loan amount wherein Kosovo $p < .000$, whereas, in North Macedonia $p < .000$ as shown by ANOVA table results.

Furthermore, it was used a multiple linear regression model to explain the influence of independent variables in the dependent variable that in our case was a bank loan borrowed by SMEs.

Table 4: Multiple Linear Regression Analysis (Source: Authors' depiction)

	Kosovo			North Macedonia		
	<i>B</i>	<i>t</i>	<i>Sig.</i>	<i>B</i>	<i>t</i>	<i>Sig.</i>
Constant	1.618	3.615	0.000	1.733	5.415	0.000
Age of the SME	0.040	4.016	0.000	0.011	3.322	0.001
Size of the company	0.355	2.430	0.016	0.510	6.146	0.000
Written business plan	-0.188	-2.621	0.010	-0.257	-3.368	0.001
Collateral type	0.189	1.710	0.090	0.085	0.888	0.376
Business experience before starting as an owner	0.042	0.256	0.798	0.168	1.458	0.148
Owner's level of education	0.055	0.577	0.565	-0.189	-2.186	0.031
Owner's gender	-0.309	-1.692	0.093	0.111	0.978	0.330

a. *Dependent Variable: Bank Loan. Note. (***)*, *(**)*, *(*)* *significant, respectively, at 1, 5, and 10 percent.*

From the results obtained based on the level of significance value less than .05 of each independent variable, we can argue that age of the SMEs ($P=.000$), business size ($P=.016$), and written business plan ($P=.010$) have influenced significantly the bank loan borrowed by SMEs, while, collateral type, business experience before starting as an owner, owners' level of education and owners' gender has no significant influence on bank loan borrowed by SMEs in the Republic of Kosovo. Furthermore, the results revealed that in the Republic of North Macedonia age of the SMEs ($P=.001$), business size ($P=.000$), written business plan ($P=.001$), and owners' level of education ($P=.031$) have a significant influence on bank loans borrowed by SMEs, whereas, collateral type, business experience before starting as an owner and owners' gender have no significant influence on bank loans borrowed by SMEs.

DISCUSSION

Table 4 presents the results obtained from multiple linear regression, for each country included in the research. The findings in general do not have any significant differences between countries. The age of the SMEs, in both cases, has resulted in a significant influence at the level of 1%, but with a moderate change in the coefficient of 4,016, respectively 3,322. So, in both cases, it is confirmed that the age of the SMEs has a significant positive influence on the bank loan, and these findings confirm hypothesis H1 in the framework of our study. The conclusion derived from these findings gives us indications that firms that exercise their activity for a longer period have easier access to finance, concerning new firms. These results agree with the studies highlighted below. Canton *et al.* (2013) suggest that the problem of information asymmetry discourages SMEs from credit financing, as the perception has been created that these firms do not have credible accounting records, are less transparent compared to large firms.

In this regard, Quartey *et al.* (2017) in their study argue that firms that are longer in the market may have easier access to finance because they have a wider network of collaboration and a good history created with financial institutions. Also, the variable size of the company, which is considered critical in treating this phenomenon, based on empirical findings has resulted in having a significant impact at the level of 1%. The findings for this variable confirm the verification of hypothesis H2, where it is argued that the size of the company has a significant influence on the creation of access to finance. The findings for the hypothesis H2 size of the company are consistent with the findings of Brixiova *et al.* (2020), where they analyzed 42 sub-African countries, using an assessment-based approach to access to finance, and arguing that businesses that have easier inflow to bank finance have better opportunities in job creation than SMEs that do not have inflow to financing.

The drafting of a business plan, which is a guiding map of business growth on the one hand, and the requirements set by the regulatory authority of financial institutions, which obliges commercial banks to set as a criterion when applying for a loan, is a very important component for facilitating access to bank loans. Therefore, the generated econometric results show that the drafting of the business plan has an important effect of 1%, in Kosovo, respectively, in North Macedonia. The coefficient of this effect is negative, which proves that SMEs without business plans can be rejected when applying for bank loans. Based on these outcomes, hypothesis H3 is confirmed, that the drafting of the business plan has a mitigating effect on the financing approach. The results for this component so far have appeared mixed, our results are in full agreement with the studies conducted by Zahra and Garvis (2000) where they argue that these variables have important correlations. Whereas, they are in contradiction with the results of Durguti *et al.* (2020) where they argue that in the case of Kosovo the drafting of the business plan has an insignificant effect.

Based on the results revealed we argue that hypothesis H4 we can't confirm. Based on these results where the level of significance is higher than .05, H4 turns out not to be confirmed in the case of Kosovo at the level of significance of 10%, while in the case of North Macedonia it turned out to be non-significant as the P-value is 0.376, and in this case, it is confirmed that the type of collateral hasn't significant influence on facilitating access to finance. The outcome turns out to be surprising and at the same time challenging, as globally, and according to the criteria of the Basel Committee, it is recommended to banks to apply the security measures for non-failure of loans by borrowers, which is considered a secondary mechanism of the fulfillment of the obligation. This finding is not consistent with the findings of Mullei and Bokea (2000) who argue that banks require collateral to finance SMEs and that the collateral must be at least 100% or more equal to the loan extension amount or the financing product. The same findings have been reached by Osano and Languitone (2016) where their findings on the factors that influence access to finance, the demand for collateral has turned out

to be significant. Additionally, hypothesis H5, business experience before starting as an owner has turned out to be of insignificant impact. Our findings are in line with the findings of Ogubazghi and Muturi (2014) which argue that the educational level of the owner/manager does not have a significant effect on access to the bank loan.

The level of education of the owners is undoubtedly an important component to analyze what impact it has on the development of the firm on the one hand, as well as in the context of presenting the H6 hypothesis on the other hand. The results reflected in Table 4, concerning this variable ensures that the level of education has a non-significant impact as the P-value is 0.565 in the case of Kosovo, while with a significant impact of 1%, it turned out to be within the case of North Macedonia, as the P-value is 0.031. In most studies conducted so far, the level of education of owners/managers is classified into primary, secondary, and tertiary education. Zarook *et al.* (2013); Slavec and Prodan (2012) have found that the level of education of owners impacts facilitating access to finance. Moreover, Pandula (2011) has also found that educational background has a significant impact on access to bank loans.

The owner's gender is a variable that has received special attention in the last decade in the Western Balkans. The reason is that the loan financing of businesses owned by women has been linked to the provision of collateral, which has significantly improved the issue but has also advanced in the policy-making process. Therefore, in hypothesis H7, we can't confirm, wherein the case of Kosovo and in North Macedonia, it turned out to be non-significant. Calcagnini *et al.* (2015) in their study 'Gender Differences in Bank Loan Access: An Empirical Analysis' argue that traditionally female business owners have difficulty or high costs in accessing bank credit. Additionally, their results did not show a significant impact, which is in line with the results of our study.

CONCLUSION

This research aimed to analyze the influence of factors, age of the SMEs, business size, written business plan, collateral type, and business experience before starting as an owner, owners' level of education, and owners' gender in SMEs' access to bank loans. As explained earlier the sample is composed of manufacturing and commercial SMEs that operate in the Republic of Kosovo and Republic of North Macedonia conducted with executives of 300 SMEs in Kosovo and 300 SMEs in North Macedonia during 2018-2019. Using data from a self-administered survey gives us the possibility to analyze some of the factors that are important for access to bank loans by SMEs. Moreover, it is important to mention that there are no other studies in this field that are based on comparative analysis between Kosovo and North Macedonia.

From the results obtained we conclude that the age of the SMEs has a positive influence on access to bank loans borrowed by SMEs in Kosovo and North Macedonia. The conclusion derived from these findings gives us indications that firms that exercise

their activity for a longer period have easier access to finance, concerning new firms. Furthermore, from the results obtained we conclude that business size influences positively the access to finance by SMEs in Kosovo and North Macedonia which means that smaller firms have harder access to finance than larger firms.

Regarding the business plan, we conclude that a written business plan has a negative influence on access to bank loans by SMEs which proves that SMEs without business plans can be rejected when applying for bank loans. Moreover, the owner's level of education has a significant influence on access to bank loans for SMEs in the Republic of North Macedonia.

From our data analyses, we conclude that collateral type, business experience before starting as an owner, and owners' gender have no significant influence on access to bank loans by SMEs in Kosovo and North Macedonia.

Our recommendations for policymakers are: to develop programs for financial support of the SMEs; to develop special programs for financial support of the manufacture SMEs because they will impact positively in the trade balance through exports; to develop special funds through which will provide support for the payment of interest rates of the SMEs loans; to develop special programs for financial support of the women entrepreneurs; to establish policies that will influence in the raise of banking competition, and, will provide: improvement on the financing conditions for SMEs, lower interest rates and other banking expenses, higher grace period, facilitation of the collateral requirements, higher repayment deadlines for SMEs. Furthermore, for SMEs in both countries that finance their business through bank loans, we recommend analyzing the factors that influence access to finance which we identified through our findings to facilitate their access to bank loans.

For this stage of research, we have selected only a few independent variables to analyze how they influence the access to bank loans by SMEs. Moreover, we are aware that other variables might influence access to finance. Furthermore, this opens some lines for future researches. Therefore, future studies should consider analyzing other variables that might influence SMEs' access to bank loans. 🌐

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#METOO AND US POLITICS: ANALYSING THE TWITTER CONVERSATION

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Abstract: *The #MeToo movement has had a profound cultural impact on US society, and notably on US party politics. While many studies have addressed the #MeToo-related controversy arising from the Brett Kavanaugh nomination to Supreme Court Justice in 2018, the relationship between #MeToo and US politics before this event has remained understudied. This article, therefore, addresses this gap by looking at the role of politics at the beginning of the #MeToo movement. Focusing on the first six months of online activity on Twitter (October 2017 – April 2018), over 2 million tweets with the #MeToo hashtag are analyzed to identify the main activity patterns across the dataset and to gain insight on user behavior and participation in the conversation. Results point to the weaponization of #MeToo in the political context from its inception. It is suggested that #MeToo reflects the polarized political climate in the US and that it can be conceptualized as part of the wider “culture wars” (Hunter 1991) that characterize the public debate.*

Keywords: #MeToo; US Politics; Political Polarization; Donald Trump; Twitter

INTRODUCTION

#MeToo emerged in 2017 as a movement to combat sexual violence, and the hashtag quickly gained immense popularity on social media. Participation in the hashtag campaign has been described as “nothing short of phenomenal” and turned #MeToo into a “moment of reckoning” for sexual violence (Fileborn and Loney-Howes 2019, 3). The movement became internationally prominent, as numerous versions of the hashtag were developed for different national contexts and languages. Despite its global popularity, however, data seems to show that the movement remained dominated by US personalities and themes. For example, studies have indicated that peaks in social media activity and the news corresponded to events related to American personalities from show business or politics (Anderson and Toor 2018; De Benedictis *et al.* 2019). Additionally, in the same period, 71% of all tweets were written in English (Anderson and Toor 2018). Given the relevance of US culture to the movement, then, one aspect that

has remained understudied is the relationship between #MeToo and US politics. The #MeToo conversation that began in 2017 proved immediately influential on US politics, as 44% of members of Congress addressed the issue of sexual misconduct in their Facebook posts between October and December 2017 (Lam *et al.* 2018). The centrality of #MeToo in US politics became undeniable in 2018 when President Trump nominated Judge Brett Kavanaugh for the position of Associate Justice of the Supreme Court of the United States. Following the nomination, psychology professor Dr. Christine Blasey-Ford publicly accused Kavanaugh of sexually assaulting her at a party when they were in high school, leading to a heated debate in the public sphere. This #MeToo-related controversy is perhaps the most revealing example of a central tension in US politics. On the one hand, the popularity of the #MeToo movement is part of a wider revival of feminist politics and anti-sexual violence activism. On the other hand, it has also been suggested that the election of Trump and Kavanaugh's confirmation are "indicative of a backlash against women's rights - a statement against identity politics and so-called political correctness - and that for all the attention #MeToo received, a counterattack was simultaneously being mounted by conservatives" (Rosewarne 2019, 174).

The purpose of this article, then, is to investigate this tension by analyzing the relationship between the #MeToo movement and US party politics. Most existing studies on #MeToo have rather focused on aspects regarding its visibility in the media and the role of digital activism (e.g., Boyle 2019; Clark-Parsons 2019; De Benedictis *et al.* 2019; Fileborn and Loney-Howes 2019; Zacchia *et al.* 2019). Two notable exceptions (Boyle and Rathnayake 2019; Pollino 2020) have focused on the Kavanaugh case as the most salient political controversy related to #MeToo. Building on the work of these authors, who show how #MeToo was weaponized in the politically polarized climate in the US, this article looks at the role of politics at the beginning of the #MeToo movement, focusing on the first six months of online activity on Twitter (October 2017 – April 2018). Through the analysis of over 2 million tweets with the #MeToo hashtag, this study aims to explore how the political weaponization of #MeToo appeared in the public debate long before the Kavanaugh case emerged in summer 2018.

#METOO AND THE US POLITICAL CONTEXT

The emergence of the #MeToo movement has been linked by many authors to the wider context of the Trump presidency (Banet-Weiser 2018; Rosewarne 2019; Rottenberg 2019). After Trump's election in 2016, many protests took place in the US and across the globe against his campaign rhetoric and his actions while in office. Protesters opposed Trump's anti-progressive values on issues such as gender equality, reproductive rights, and immigration (Fisher, Dow, and Ray 2017). In 2016, the Washington Post published a leaked audiotape of Trump making "extremely lewd" comments about women (Fahrenthold 2016).

The tape received “universal condemnation” from all political factions and represented the first time that “a presidential candidate’s own words expressed such graphic, lewd, and abusive language about women” (Rhodes *et al.* 2020, 2). In response to the content of the tape, thousands of women began using the hashtag #NotOkay to share narratives of sexual assault and to proclaim that Trump’s comments should not be minimized (Maas *et al.* 2018).

The most notable protest took place offline when more than two million people participated in the Women’s March on 21 January 2017 (the day after Trump’s inauguration), one of the largest protests ever observed in the United States (Fisher, Dow, and Ray 2017). The main demonstration took place in Washington, DC, while hundreds of other events were organized across the United States and internationally.

This resurgence of feminist activism to contrast the election of a misogynist president reflects a tension between what Banet-Weiser (2018) has named “popular feminism” and “popular misogyny”. The term “popular feminism” refers to a revival of feminist ideas and activism that is especially “tied to media visibility, circulation, and affective embrace” (Banet-Weiser *et al.* 2020, 4), particularly on social media platforms. In contrast, “popular misogyny” refers both to the “social, political, economic, and cultural structure” of patriarchal societies (Banet-Weiser 2018, 17) and to the more recent “reaction to the culture-wide circulation and embrace of feminism” (Banet-Weiser 2018, 3). As Löffler, Luyt, and Starck (2020, 1) note, sexism, and misogyny are “newly emerging versions of right-wing populism: (...) they oppose feminism and gender-equality measures, same-sex marriage, and gender studies; they seek to re-instantiate traditional family and associated gender roles, and they pursue a strong-man style of political leadership”. The revitalization of populist and conservative politics across Western countries has contributed to invigorating sexist ideas and policies (Rottenberg 2019). In this sense, the revival of feminist protests since the 2010s can also be understood as a backlash against the newfound institutional legitimization of conservative views on gender. This is the context where the #MeToo movement originated. The use of the hashtag #MeToo first began in October 2017, following a story in the New York Times uncovering sexual assault allegations against Hollywood producer Harvey Weinstein (Kantor and Twohey 2017). Amid the controversy that ensued, actress Alyssa Milano tweeted:

Me Too.

Suggested by a friend: “If all the women who have been sexually harassed or assaulted wrote ‘Me Too’ as a status, we might give people a sense of the magnitude of the problem” (@AlyssaMilano, 15 October 2017).

The hashtag proved immensely popular; it is estimated that it was used over 85 million times across social media in the first 45 days, covering 85 countries around the world (Sayej 2017). By September 2018, almost one year after the initial tweet, #MeToo

had appeared in more than 19 million posts on Twitter, averaging 55,319 uses of the hashtag per day (Anderson and Toor 2018). This extremely high level of online activity, therefore, offers ample opportunity to research the topics discussed in the #MeToo conversation, as detailed in the next section.

METHODOLOGY

This article examines the relevance of US politics in the first six months of the #MeToo movement on Twitter. Twitter is chosen as the research site because it is widely used in the public arena. Given that the majority of posts and interactions are publicly accessible, users often focus on issues that are also public and political (Papacharissi and de Fatima Oliveira 2012). By conceiving of Twitter as a digital public sphere, then, the platform offers the best space to understand the political aspects of the #MeToo conversation. The dataset for the study was provided by the 'Minerva' project, co-financed by the Foundation for European Progressive Studies and the Economia Civile association (see Zacchia *et al.* 2019). The dataset contains 2,015,900 public Twitter posts generated between October 2017 and April 2018 containing the #MeToo hashtag and other local versions of the hashtag.¹ The vast majority of tweets are in English (78.6%); other significant languages include French (5.4%), German (2.5%), and Spanish (2%). The data and metadata available for all tweets were analyzed to identify the main communicative patterns in the six months of the #MeToo conversation. Using SPSS and Excel as the principal software for quantitative analysis, the entire dataset was analyzed to obtain key metrics on the following dimensions: user activity, retweets, and hashtags. The overall objective is to identify the main activity patterns across the dataset and to gain insight into user behavior and participation in the conversation (Bruns and Stieglitz 2012; Bruns 2018).

RESULTS

The first dimension analyzed is user activity. The total number of unique users in the dataset is 830,942. This means that each user produced on average 2.42 tweets, with the top 10 most active users authoring around 1.4% of all tweets in the dataset. User mentions constitute an especially useful and metric to better understand the roles different users assume in the dataset: "Users who receive many @mentions, but rarely @reply in return must be seen mainly as subjects of conversation; users who both receive and send @replies frequently, by contrast, are active subjects within conversation" (Bruns and Stieglitz 2014, 73). 20.4% of tweets in the dataset contain one

¹ 94% of the posts contain the hashtag #MeToo; the other hashtags are #balancetonporc (France), #120db (Germany), #yotambien (Spain and Latin America), #sistabriefen (Sweden) and #quellavoltache (Italy).

or more user mentions; 69% of tweets have only one mention while the remaining 31% include between 2 and 60 mentions. Table 1 compares the top 20 users who received the most mentions with the number of #MeToo tweets they posted, to understand the ratio of 'subjects of conversation' vs. active participation.

Table 1: Top 20 Most Mentioned Users vs. the Number of #MeToo Tweets They Posted²
(Source: Authors' depiction)

	User	% of Total Mentions	#MeToo Posts	Type of User
1	youtube	3.9	0	Digital platform
2	realdonaldtrump / potus ³	3.3	0	Political actor
3	time	1.3	71	News outlet
4	oprah	1.3	0	Celebrity
5	alyssa_milano	1	134	Celebrity
6	taranaburke	1	56	Political actor
7	tonyrobbins	1	0	Celebrity
8	nytimes	0.9	74	News outlet
9	alfranken / senfranken ⁴	0.7	1	Political actor
10	rosemcgowan	0.7	18	Celebrity
11	cnn	0.6	82	News outlet
12	gop	0.6	0	Political organization
13	hillaryclinton	0.4	0	Political actor
14	sengillibrand	0.4	9	Political actor
15	jimmykimmel	0.3	0	Celebrity
16	thedailybeast	0.3	153	News outlet
17	foxnews	0.3	41	News outlet
18	womensmarch	0.3	18	Political organization
19	asiaargento	0.3	75	Celebrity
20	kesharose	0.3	0	Celebrity

² Indication based only on the first mention in the tweet, not all mentions in all tweets. The variable mention1 includes 411,701 users. Given that two individuals in the top 20 mentions have two accounts (Donald Trump's @realdonaldtrump and @potus; Al Franken's @alfranken and @senfranken), data for the respective accounts are added up and counted as one.

³ @realdonaldtrump is mentioned 11,292 times (2.7%) and @potus 2,458 times (0.6%).

⁴ @alfranken is mentioned 1,519 times (0.4%) and @senfranken 1,406 (0.3%). The #MeToo tweet was posted by @senfranken.

The data in Table 1 reveal some interesting insights into the users who are at the center of the conversation, showing a combination of Hollywood individuals, media outlets reporting on #MeToo, and political figures. Except for actress Asia Argento, all users are US-based individuals or organizations. The first most mentioned account is @YouTube; this is simply because, when sharing a video from Youtube to Twitter, the mention is automatically included in the tweet.

Several US politicians appear prominently, with President Trump being the most discussed individual in the conversation. Another political controversy emerges with the presence of Al Franken, a Minnesota Senator who resigned after being accused of sexual misconduct, and Kirsten Gillibrand, the so-called “#MeToo senator” (Siddiqui 2019) who was especially outspoken against Franken.

As expected, the role of mainstream media is also prominent. Time Magazine and the New York Times are the two most mentioned news outlets, given their significance in propelling and publicizing #MeToo stories. The role of show business in inciting conversation is evident, as the list includes some of the actresses and television hosts who most vocally spoke out about #MeToo.

It is also observable how, as Bruns and Stieglitz (2013) suggest, some actors are only part of the debate as topics of conversation but do not take on an active role. This is most evident in the case of Donald Trump, who is the individual most often mentioned in the whole dataset but who has never tweeted using #MeToo or related hashtags. The centrality of well-known individuals and organizations in the #MeToo conversation is also confirmed by looking at the 100 users who received the most mentions (Figure 1). The chart mostly reflects the same trends as the top 20 most mentioned users, with the addition of a slightly larger role for digital platforms (such as social networking sites, Netflix, and Amazon) and journalists and writers. Significantly, neither Twitter influencers nor ‘common’ users appear among the top mentions; while common users contributed to a vast majority of the tweets in the dataset, their influence was not sufficient to overshadow the fame of figures from entertainment, politics, and the media. This confirms the argument by Poell and Van Dijck (2016, 230) who underline how social media tend to follow a similar logic to traditional mass media in enhancing “the visibility of particular actors and topics”. Metrics on mentions are especially revealing of the centrality of US politics in #MeToo. Among the top 100 mentioned users, the highest share of mentions refers to the category of political actors or organizations (30%, Figure 1), calling 25 unique users into the discussion. Among these, 8 are Republican politicians or groups, while 10 are Democrats.⁵

⁵ The remaining 7 are organizations or individuals that are not politically affiliated with either party.

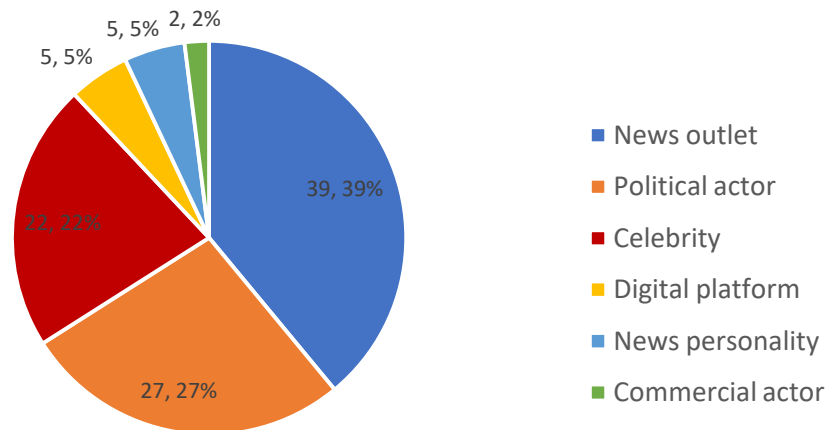


Figure 1: Type of User for the 100 Most Mentioned Users (Source: Authors' depiction)

Retweets are the second dimension analyzed. They are a useful metric to understand the role of posts and users in the conversation. Bruns *et al.* (2016) consider retweeting as one of the key elements to analyze user engagement in hashtag publics.

Overall, in the dataset, 77.3% of tweets have 0 retweets and 20.2% of tweets have between 1 and 10 retweets. Only 0.3% of posts have more than 100 retweets and 0.03% have more than 1,000 retweets. Although these percentages are quite low, looking at retweets can still provide some further insights into the conversation. Table 2 shows the 20 posts with the highest number of retweets in the dataset. The range of users who authored the most popular posts appears quite varied in comparison with the top mentioned users (see Table 1).

Table 2: Most Retweeted Tweets in the Dataset (Source: Authors' depiction)

	User	Retweets	Type of User	Tweet
1	apbenven	55,406	News personality	A reminder that if a woman didn't post #MeToo, it doesn't mean she wasn't sexually assaulted or harassed. Survivors don't owe you their story.
2	funder	46,371	News personality	The 16 women who accused Trump of sexual assault are telling their story in one video-please share this far and wide. RT if you agree it's time for Trump to be held accountable for his sexual misconduct. #TrumpSexProbe #AMJoy #MeToo pic.twitter.com/hNlqZEI54G
3	funder	39,128	News personality	@SpeakerRyan - Everyone who retweets this wants you to open up an investigation into the 20 sexual assault claims against Donald Trump. Quit being silent on the issue. Is your "fight against sexual misconduct" a complete fraud? It is if you don't probe Trump. #TrumpSexProbe #MeToo
4	womensmarch	31,924	Political organization	To all the women sharing stories of sexual assault and sexual harassment, thank you for your bravery to speak up. You are not alone. #MeToo
5	McKaylaMaroney	30,370	Celebrity	#MeToo pic.twitter.com/IYXaDTuOsS
6	LeeannTweedden	25,457	Celebrity	I've decided it's time to tell my story. #MeToo, http://www.kabc.com/2017/11/16/lee-ann-tweedden-on-senator-al-franken/ ...
7	BetteMidler	23,166	Celebrity	Tomorrow is my birthday. I feel like this video was a gift from the universe to me. Geraldo may have apologized for his tweets supporting Matt Lauer, but he has yet to apologize for this. #MeToo pic.twitter.com/TkcolFWfA2
8	Simone_Biles	23,010	Celebrity	Feelings... #MeToo pic.twitter.com/ICiu0FCa0n
9	Pappiness	21,281	News personality	Men, Don't say you have a mother, a sister, a daughter... Say you have a father, a brother, a son who can do better. We all can. #MeToo
10	celia_yac	21,000	Individual	#balancetonporc Un homme marchait derrière moi, m'amit la main entre les jambes 2 fois et m'asorti «çavousplait ?» j'aiportéplainte: pic.twitter.com/JWpHK6DTps
11	cnnbrk	18,982	News outlet	When I raise my hand, I am aware of all the women who are still in silence. - Actress Viola Davis references the #MeToo movement during the Women's March in Los Angeles, http://cnn.it/2mUGcQb pic.twitter.com/xPb5vvA4BL
12	GraceStarling4	16,452	Individual	For those carrying their #MeToo with them silently, you are loved, cherished, and believed. You do not owe your story to anyone.
13	itsgabrielleu	16,195	Celebrity	You know us. We are your family members. Your friends. Your co-workers. Your neighbors. And yes, even your heroes. We are everywhere. #Metoo, http://twitter.com/SInow/status/920625777477144576 ...
14	Alyssa_Milano	15,462	Celebrity	At the very same time that we are asking Franken to resign from the senate -- we are allowing an accused child molester to run for senate. At the very same time

				that Silence Breakers is the #TimePersonOfTheYear -- a self-professed pussy grabber was runner-up. #MeToo
15	goldengateblond	14,522	Twitter influencer	Here's @Oprah 's entire speech. Watch it. If you've already seen it, watch it again. #MeToo #TimesUp pic.twitter.com/cAcVJreRzf
16	MarleeMatlin	13,545	Celebrity	#MeToo. I was 14, he was 36. I may be Deaf, but silence is the last thing you will ever hear from me. pic.twitter.com/hLmBJ7PgmK
17	benshapiro	12,843	News personality	Just reported @Rosie for targeted harassment, mainly to see if Twitter does indeed have a double standard. Everyone knows if Rosie were conservative, Twitter would suspend her in a hot second. So, Twitter, put your money where your mouth is. #MeToo
18	nowthisnews	12,808	News outlet	Life coach Tony Robbins says women are using #MeToo to make themselves 'significant' — but this brave sexual abuse survivor called him out pic.twitter.com/wYxhlmc10u
19	meliegodart	12,173	Individual	Quandtulis les tweets sur #balancetonporc ... tute rend compte que... pic.twitter.com/On7HkGWTjz
20	funder	11,675	News personality	Over 100 members of Congress (and counting) are now demanding an investigation into the 19 sexual assault allegations against Trump. RT if you agree Trump's sex crimes should be investigated immediately. #TrumpSexProbe #MeToo

The role of journalists is more prominent in these highly retweeted tweets as six out of 20 are posted by news personalities. It is noticeable that, although users categorized as political do not appear (except for @womensmarch), seven out of 20 tweets are explicitly political in their content. Democratic writer and podcaster Scott Dworkin (@funder) is the author of three of the most retweeted tweets, which all constitute a direct attack on Trump. Similarly, right-wing commentator Ben Shapiro (@benshapiro) draws attention to a perceived double standard in silencing conservative users. Two more tweets (from @LeeannTweeden and @Alyssa_Milano) address the accusations of sexual assault against Democratic Senator Al Franken. Finally, two tweets (from @womensmarch and @cnnbrk) are related to the Women's March that took place in Los Angeles. Other categories of users include female celebrities, either disclosing their own #MeToo stories or commenting on the #MeToo movement. Unlike the most mentioned users, authors of top retweeted posts also include several Twitter influencers and common users. It is interesting to note that there is little overlap between the list of most mentioned users (Table 1) and the authors of top retweeted posts. As previously suggested, mentioned users are the subject of the conversation but do not contribute actively, while the most retweeted users are influential in spreading their messages, but do not personally become central to the conversation. The final dimension analyzed is the role of hashtags. In addition to the hashtags that were used as criteria to select tweets for the construction of the dataset, Table 3 also shows the hashtags that users

most often employed to discuss a variety of salient topics throughout the conversation. The hashtags that were used to collect the dataset inevitably appear most consistently; #MeToo is largely the most used hashtag, in addition to #balancetonporc, #120db, and #quellavoltache. Hashtags also offer commentary on real-time events; in the sample, these include two political demonstrations in the US: #marchforourlives (a demonstration against gun violence held in March 2018 in Washington, D.C.), and #womensmarch2018/#womensmarch (2018 edition of the Women's March).

Correspondingly, many hashtags focus on national politics. The majority refer to US politics, showing again a polarized approach especially around the figure of Donald Trump in connection with #MeToo. US political hashtags include #maga (short for "Make America Great Again", a slogan used by Trump supporters), #trump, #resist, and #theresistance (hashtags used by anti-Trump protesters). A smaller percent of hashtags focus on other national contexts, namely #abusefreeindia and #svpol (Swedish politics).

Other types of hashtags include #TimesUp, often used in conjunction with #MeToo. Many hashtags comment on television programming or show business events, such as #am2dm, #goldenglobes, #oscars, #grammys, and #oprah. Finally, many hashtags discuss some of the most prominent men accused of sexual violence and harassment.

Table 3: Most Used Hashtags in the Dataset (Source: Authors' depiction)

	Hashtag	%
1	#metoo	72.6
2	#balancetonporc	4.1
3	#120db	1
4	#timesup	0.8
5	#am2dm	0.5
6	#quellavoltache	0.3
7	#goldenglobes	0.2
8	#oscars	0.2
9	#abusefreeindia	0.2
10	#maga	0.1
11	#marchforourlives	0.1
12	#resist	0.1
13	#trump	0.1
14	#sexualharassment	0.1
15	#hollywood	0.1
16	#weinstein	0.1

17	#women	0.1
18	#harveyweinstein	0.1
19	#womensmarch2018	0.1
20	#theresistance	0.1
21	#grammys	0.1
22	#oprah	0.1
23	#feminism	0.1
24	#womensmarch	0.1
25	#svpol	0.1
26	#resistance	0.1
27	#sexualassault	0.1
28	#billcosby	0.1
29	#azizansari	0.1
30	#internationalwomensday	0.1

CONCLUSION

The presence of US politics appears consistently across all dimensions of the #MeToo conversation. The top mentioned users (Table 1) and top retweeted posts (Table 2) - which represent the users and posts that received the most attention – show the centrality of US political figures and organizations in the debate, with partisan hostility at times overshadowing the initial #MeToo objective of combating sexual violence. This prevalence of US-centric politics in the conversation risks weakening the transnational nature of the movement since the unequal distribution of online attention hinders the global commonality of women's experiences of violence.

These metrics confirm the initial hypothesis that #MeToo has become a polarizing issue in US partisan politics and that it was often weaponized by rival political factions. As previously introduced, protests against President Trump provided fertile ground for the escalation of #MeToo, and indeed he appears to be a central figure in the discussion, with 4.4% of all tweets in the dataset mentioning him.⁶ This mirrors the findings from studies that explored a later period of activity - the Kavanaugh controversy in 2018 (Boyle and Rathnayake 2019; Pollino 2020). Consequently, it can be said that the #MeToo conversation reflects the “highly polarized political climate in the USA” (Boyle and Rathnayake 2019, 1). Siding ‘with’ or ‘against’ #MeToo quickly became the source of division in the same manner as other social issues that characterize American “culture wars” (Hunter 1991), such as abortion, LGBTQ+ rights, and climate

⁶ This figure includes mentions for @realdonaldtrump and @potus (see Table 1), and search results for the word ‘Trump’ in the posts.

change. Opinions on these matters often run alongside conservative/liberal denominations, and they are so steeped in competing for moral visions that opposite views are often irreconcilable. These controversial issues, then, generate “political and social hostility rooted in different systems of moral understanding” in the American public debate (Hunter 1991, 42).

As a result, issues that are social become shorthand for political affiliation. In this sense, it is arguable that #MeToo was in many instances used for political ends that were partially removed from the original intent of combating sexual violence. For example, three out of the top 20 retweeted posts are by Democratic writer and podcaster Scott Dworkin (@funder), and they all call for an investigation into the sexual assault allegations against Donald Trump. In this instance, liberals are using the increased intolerance for sexual misconduct and capitalizing on the #MeToo momentum to mobilize against the president. A more complex picture of the implications of #MeToo for oppositional party politics emerges in this tweet by Alyssa Milano from Table 2, which received 15,462 retweets:

At the very same time that we are asking Franken to resign from the senate -- we are allowing an accused child molester to run for senate.

At the very same time that ‘Silence Breakers’ is the #TimePersonOfTheYear -- a self-professed pussy grabber was runner-up.

#MeToo (@Alyssa_Milano Dec 6, 2017)

In the first half of the tweet, Milano expresses her support for the calls for Democratic Senator Al Franken to resign following allegations of sexual improprieties. At the same time, she points to the contradiction of another accused sexual predator running for Senate, Republican Roy Moore, who had received Trump's endorsement two days before this tweet. In the second half of the tweet, another parallel is drawn between the cultural impact of #MeToo – exemplified by the Time magazine cover – and, again, the unsuitability of having an accused sexual predator as president. This position well encapsulates the tension of the co-existence of “popular feminism” and “popular misogyny” described by Banet-Weiser (2018).

The present dataset only covers the #MeToo conversation until April 2018; as previously mentioned, this political polarization was further exacerbated in September-October 2018, when Judge Brett Kavanaugh was nominated and then confirmed as a Supreme Court Justice despite accusations of sexual assault. In their analysis of the Kavanaugh controversy on Twitter, Dejmanee *et al.* (2020, 3956) confirm “Banet-Weiser’s (2018) notion that popular feminism and popular misogyny are structurally linked and emerge through the same cultural and technical mechanisms, particularly about the attention economy and social media platforms”.

The same polarization of attitudes was also present in Donald Trump's own words on the Kavanaugh controversy, as he declared that “It's a very scary time for

young men in America when you can be guilty of something you might not be guilty of" (Hutzler 2018). When asked he had a message for young women, he responded by stating that "women are doing great".

The conversation around #MeToo can therefore be conceptualized as "culture war discourse" since it aims to be "rhetorical and polemical, designed to dramatize perceptions of conflict and division for political gain" (Davis 2019, 4). As demonstrated by the results of this study, such discourse has permeated the #MeToo conversation since its beginning, reflecting the increasing polarizing tendencies in the US political debate. 🌐

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SCOPE OF MEDIA ADVOCACY DURING COVID-19: A SELECTED CASE STUDY IN KOLKATA

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Abstract: *The spread of the Covid-19 has presented an unparalleled challenge for media management as well as for the media content. The pattern of daily life changed due to the excessive use of media. India, as a nation has been in the third position worldwide, many deaths during a pandemic are concerned. Kolkata being one of the metro cities of the country has not been exempted. The regional media content perceived a knowledge gap with the highest circulated national daily of the country. The changed media content, and audience perception towards the change, and the need for media advocacy during any health crisis in general and Covid-19 in particular, is studied in this paper using a mixed approach of both quantitative and qualitative. The discourse analysis of the newspapers in a constructed week format, representing a six months study during the pandemic, and the primary data from the audience suggested the behavior change and attitude formation through media, in this unique study.*

Keywords: Covid-19; Kolkata; Newspapers; Media; Consumption; Media Advocacy

INTRODUCTION

The Covid-19 crisis has impacted all sections of society in an unprecedented manner. Apart from inducing panic and uncertainty amidst the general population, the pandemic has also significantly disrupted the way of business processes, sociological framework, academic and research curriculum, and mode of income generation activities. Due to the reduced mobility, social distancing, panic of quarantine, and lockdown, the extent of media consumption has played a crucial role to form awareness about this pandemic. The media content plays a decisive role in terms of combating misinformation and providing credible information on the Covid-19 pandemic.

A new paradigm of 'structure-conduct-performance' (SCP), about media content, has emerged in the present society. The emphasis "on the communicative powers of the media direct us to more than just an acknowledgment that the media are a potential influence of modern life" (Craig 2007). So to say, news and views of the Covid-19 pandemic have been able to clarify various issues of behavioral changes and communication on socio-cultural and socio-psychological perspectives. Mumbai, Delhi, Kolkata are amongst the Indian major cities where the Covid-19 pandemic has produced its major impact and where lockdown measures have been the harshest. The present paper tries to understand how the corona crisis has been symbolized in Indian media in general and Kolkata-based selected dailies in specific. Till today, newspapers give us a space that creates a general opinion of the public through different forms of "column" (Jeffery 2000). In this crisis period, the newspaper also retains great power in the society through its comments, suggestions, and criticism regarding the Covid-19 issue. At the same time, media content could create some misinformation and confusion regarding the Corona virus in the public sphere instead of generating a credible and useful information network for public awareness. In this contradictory experience, this research aims to identify the degree of media advocacy during the Covid-19 pandemic in Kolkata, based on selected newspaper content.

AIMS AND OBJECTIVES

This research aims at identifying the media advocacy practiced/published followed by newspapers during the Covid-19 pandemic in Kolkata. The major objectives of this research are:

1. To analyze the contents being published by newspapers in Kolkata, during the Covid-19 pandemic and the degree of acceptance of readers related to these newspaper contents; and
2. To study the scope and issues of media advocacy for effective health communication through a newspaper during the Covid-19 pandemic.

The first objective of this research has been trying to evaluate the extent of acceptance of newspapers and their contents among the readers. The second objective of this research is trying to analyze whether health advocacy has been done by newspapers in the premise of the Covid-19 pandemic. Based on this aim and objectives of the research both primary and secondary data were collected for this research work.

THE LITERATURE REVIEW

In the case of print media, there are four keys to interpret the media message. These are 'process, context framework, and production value'. News and/or views regarding public health communication, like the Covid-19 pandemic in India, should justify four rapid sequences of activity under the media advocacy process. These are a) receiving a message; b) selecting relevant information; c) framing appropriate responses, and d) responding to the message (Silverblatt 2001). The news content and readers formulate a 'communication contract' that governs their conduct. A newspaper like the Times of India (TOI), puts news, column, and editorial in perspective, serves as a forum for debate and also presents a point of view on the Covid-19 pandemic for the consideration of its readers. On the other hand, McQualil (1997) opined that to identify the effectiveness of a medium, factors like the duality of audience and audience as a market are required to be considered through audience analysis. Vilbert (2021) further argued that after the outbreak of the Covid-19 pandemic many debates are arising on issues with global health governance.

To create effective advocacy (through interpretation of message), a specific catalyst is needed over the final media product and its presentation. The persuasive function opened up a new strategy of media advocacy with readers. This paper has been studied a bio-cultural approach to pandemics such as Covid-19. Hence, media advocacy tries to introduce anthropogenic dynamics in its content. From the beginning, the Covid-19 pandemic has interacted between socio-cultural, behavioral study, and political factors of society with a pathogen – Coronavirus (Friedler 2020). Therefore to generate a positive attitude with the society and collective combating against such pathogen media advocacy should emphasize bio-cultural understanding to its readers. Eventually, it is observed that a bio-cultural viewpoint of media text on the Covid-19 epidemic will allow for critical reflection on how culture shapes one's behavior at family and community levels.

In public health, the said perspective of media advocacy supports direct attention to the role of policymakers and community-level factors in health promotion. Again this environmental perspective contains a physical and a social element that brings an interdisciplinary notion of public health issues. This advocacy-based strategy works on two levels. First of all, its (newspaper content) effects on individuals and health and finally its effects on health policy. So media advocacy on the Covid-19 pandemic will try to focus the spotlight on the problem upstream (Walsh 2017). Here media advocacy attempts to influence the existing policies taken by international organizations, concerned national governments, or community people. Here the agenda-setting process follows a hierarchy - from media agenda to public agenda, from public agenda to policy agenda (Singhal 2003). In this process, media advocacy supports personal experience or even interpersonal communication among the different stratum of the

public in society. The multifaceted conceptions regarding the Covid-19 pandemic have shifted the focus from the personal to the social, from the individual to the community, from bio-cultural to political, and from the practice to the policy (Friedler 2021). Conventional strategies of mass media try to identify and fill the knowledge gap where the media advocacy approach opens to speak about the power gap. Based on community advocacy this approach sets a goal about how to promote healthy and acceptable public policies. Thirumaran *et al.* (2021) opined that the newspaper is effectively used in Singapore and New Zealand for the portrayal of crisis management during the Covid-19 pandemic. Allen and Ayalon (2021) counter opined that in the case of America newspaper articles are causing panic among the people during the crisis of the Covid-19 pandemic. This can be shocking and even deceptive for the audience. The authors Choi and McKeever (2019) further emphasized the fact that the concepts of mobilization of information and media advocacy are interrelated to the situation of an epidemic or a pandemic. According to Chukwu-Okoronkwo (2020), the dissemination of information has a major role to play in the life of people who are marginalized especially during a pandemic. Hence, it was further opined by the authors that dynamic initiative for media promotion and media advocacy is required during a pandemic so that better awareness is promoted among people.

The Literature Gap

From the review of existing literature, it is observed that there is a considerable number of existing researches done on media advocacy and the role of the newspaper during the Covid-19 pandemic yet there is a lack of such research to be done from the perspective of India. Hence, this is a literature gap that is being addressed with the help of this present study so that it can reflect the role of newspapers during this pandemic phase and the extent of media advocacy observed in them.

METHODOLOGY

This research methodology has been designed considering the concept of research onion structure.

Research Philosophy

This research has been based on the interpretivist research philosophy where the observations are further interpreted using different theoretical foundations and qualitative research along with quantitative research for deriving the research results. Other philosophies like positivism realism and pragmatism were not applicable for the present research (Pham *et al.* 2018).

Research Approach

This research follows the deductive research approach where theoretical foundations regarding the research subject area were studied at first and then the process of data collection and interpretation was conducted (Woiceshyn and Daellenbach 2018).

Research Design

Using a descriptive research design has been applicable for this research because this research design helps to explore new segments of an existing research phenomenon. Research on newspapers is common in media research sectors but finding its application during Covid-19 is comparatively new which is why a descriptive research design has been selected.

Data Collection

At first two newspapers, based on the highest rate of circulation in Kolkata, have been selected. Then, the method of the constructed week had been followed to design 3 constructed weeks (Riffe *et al.* 1993). The months were selected from 15 April 2020 to 15 September 2020 which was the peak phase of Covid-19 in India (please see Annex 1). In the case of primary data collection, respondents 125 from Kolkata were selected using random sampling.

Data Analysis

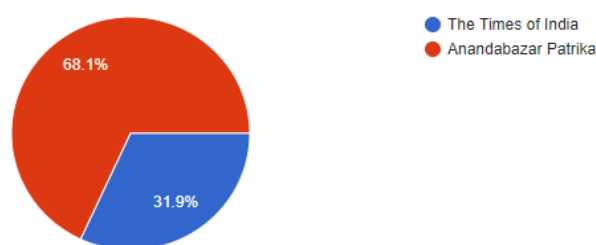
For qualitative data discourse analysis has been carried out. In the case of quantitative data, the analysis has been done using graphs and statistical elements like chi-square and cross-tabulation using SPSS.

RESULTS

The results chapter of this research has been divided into two different categories. Here, the first category has tried to explore the results of primary data using quantitative analysis. The second category has helped to evaluate the results from secondary data using qualitative data analysis.

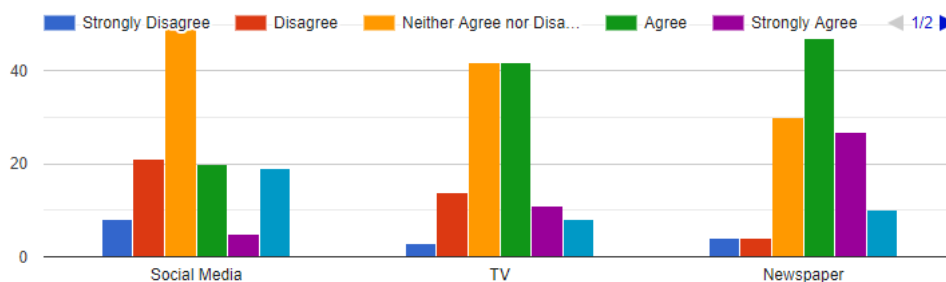
Primary Data Analysis

This primary data analysis has been conducted with 125 respondents and the results have been analyzed using percentage analysis and statistical data analysis. For statistical data analysis, SPSS has been used to further analyze the results.



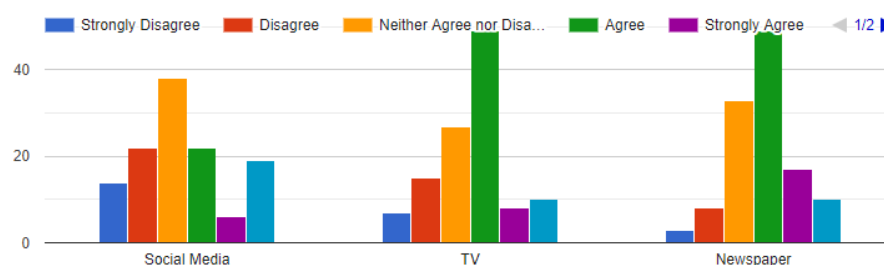
Graph 1: Newspaper Readers for Anandabazar Patrika and the Times of India (Source: Authors' depiction)

Graph 1 observes that the maximum number of respondents that is 68.1% have read Anandabazar Patrika a Bengali daily circulated in Kolkata and other parts of West Bengal. On the other hand, only 31.9% of the rest of the respondents have read the Times of India, English daily circulated in Kolkata and other parts of West Bengal.



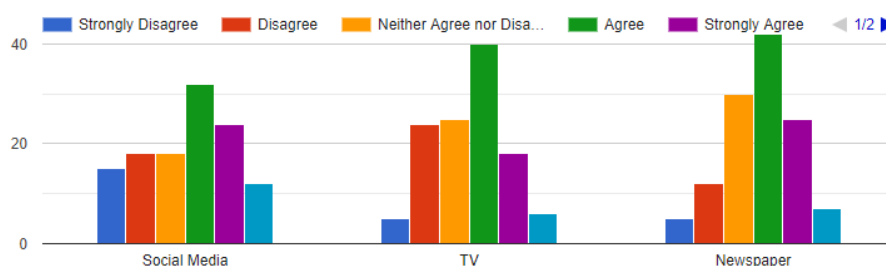
Graph 2: Media Credibility and Authenticity (Source: Authors' depiction)

From Graph 2 it can be observed that more respondents have agreed in favor of the media credibility and authenticity of news published in newspapers.



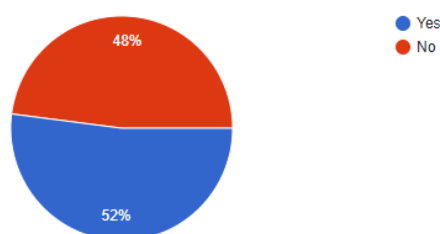
Graph 3: Promotion of the Scientific Approach (Source: Authors' depiction)

When it comes to the promotion of the scientific approach then newspapers and television have got an almost equal number of responses from the respondents who have agreed to the statement.



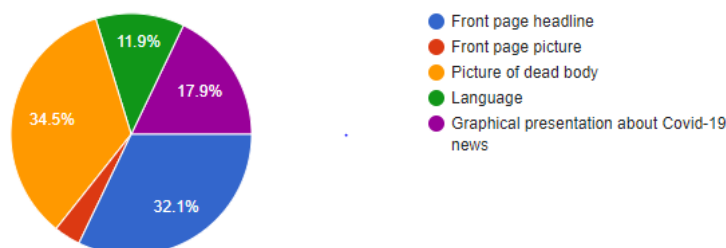
Graph 4: Reducing Social Taboo (Source: Authors' depiction)

In the case of the newspapers, the maximum number of respondents agreed to the statement that it helps in reducing social taboos. Furthermore, it can be observed that the number of respondents with green for the newspaper is more than that of the number of respondents who agreed to the statement applicable for television and social media. Hence, in this case, as well it can be explained that the newspaper is the most effective medium for reducing social taboos as perceived by the respondents (Graph 4).



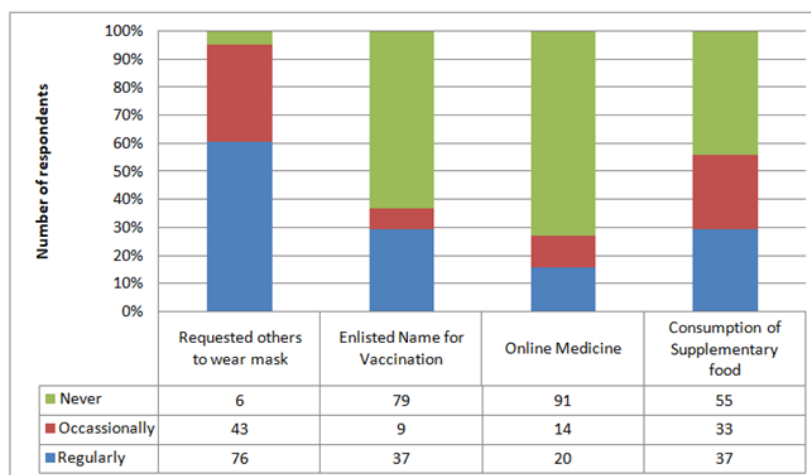
Graph 5: The Element of Fear Promoted By Negative Representation of News (Source: Authors' depiction)

As per Graph 5, 52% of the respondents being the majority expressed that there is a negative representation of search in the news that increases the fear element associated with the Covid-19 pandemic.



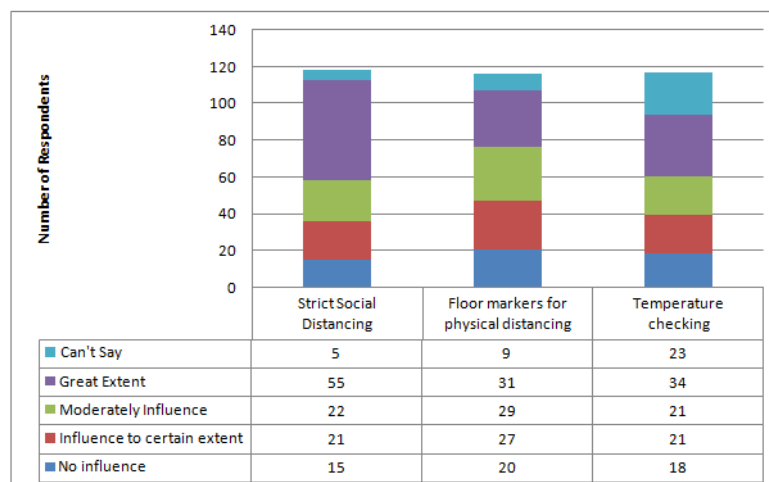
Graph 6: The Mostly Observed Fear Element Used in the Newspapers (Source: Authors' depiction)

It can be further analyzed that 34.5% of the respondents express that pictures of dead bodies are the most disturbing elements in newspapers that increase their fear of the Covid-19 pandemic. Furthermore, 32.1% of the respondents expressed that the front-page headline is the element that increases their fear of the disease after reading the newspaper.



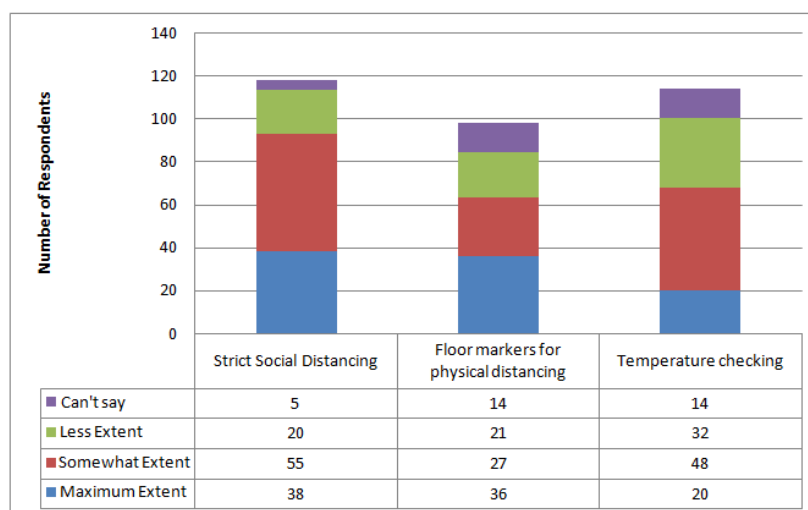
Graph 7: The Preventive Measures Used (Source: Authors' depiction)

Graph 7 emphasizes the measures that are taken up by the respondents as precautions against the pandemic.



Graph 8: Factors That Increases the Confidence of People to Fight against the Pandemic
(Source: Authors' depiction)

From Graph 8, it can be concluded that strict social distancing has influenced the confidence level of the respondents to a greater extent than that of the other factors observed in this graph.



Graph 9: Reflection of Factors in the Newspapers (Source: Authors' depiction)

Graph 9 reflects the above factors and their representation in newspapers. In the case of social distancing, the newspaper reports reflect them to some extent as expressed by the majority of respondents. On the other hand floor markers for physical distancing are being reflected the maximum extent as open by the majority of respondents.

The Demographic Details v/s News Paper Reading Behaviour

Gender * Newspaper_reading_participation [count, row %, column %, total %].

Gender	Newspaper_reading_participation			Total
	Regularly	Occasionally	Rarely	
Male	44.00	13.00	5.00	62.00
	70.97%	20.97%	8.06%	100.00%
	51.16%	44.83%	50.00%	49.60%
	35.20%	10.40%	4.00%	49.60%
Female	42.00	16.00	5.00	63.00
	66.67%	25.40%	7.94%	100.00%
	48.84%	55.17%	50.00%	50.40%
	33.60%	12.80%	4.00%	50.40%
Total	86.00	29.00	10.00	125.00
	68.80%	23.20%	8.00%	100.00%
	100.00%	100.00%	100.00%	100.00%
	68.80%	23.20%	8.00%	100.00%

Chi-square tests.

Statistic	Value	df	Asymp. Sig. (2-tailed)
Pearson Chi-Square	.35	2	.840
Likelihood Ratio	.35	2	.840
Linear-by-Linear Association	.14	1	.713
N of Valid Cases	125		

Figure 1: Cross Tabulation and Chi-square between Gender v/s Newspaper Reading Participation
(Source: Authors' depiction)

According to this Chi-square test $p\text{-value} > 0.05$ we can say gender has a significant effect on newspaper reading at a level of 5% significance.

Gender * Name_of_newspaper [count, row %, column %, total %].

Gender	Name_of_newspaper		Total
	Ananda Bazar Patrika	The Times of India	
Male	43.00	19.00	62.00
	69.35%	30.65%	100.00%
	53.09%	43.18%	49.60%
	34.40%	15.20%	49.60%
Female	38.00	25.00	63.00
	60.32%	39.68%	100.00%
	46.91%	56.82%	50.40%
	30.40%	20.00%	50.40%
Total	81.00	44.00	125.00
	64.80%	35.20%	100.00%
	100.00%	100.00%	100.00%
	64.80%	35.20%	100.00%

Chi-square tests.

Statistic	Value	df	Asymp. Sig. (2-tailed)	Exact Sig. (2-tailed)	Exact Sig. (1-tailed)
Pearson Chi-Square	1.12	1	.290		
Likelihood Ratio	1.12	1	.290		
Fisher's Exact Test				.350	.192
Continuity Correction	.76	1	.384		
Linear-by-Linear Association	1.11	1	.292		
N of Valid Cases	125				

Figure 2: Cross Tabulation and Chi-square between Gender v/s Newspaper Read
(Source: Authors' depiction)

According to this Chi-square test $p\text{-value} > 0.05$, we can say gender has a significant effect on the newspaper at a level of 5% significance.

Gender * Type_of_news [count, row %, column %, total %].						
Gender	Type_of_news					Total
	Public Health	Technology	Political News	sports	entertainment	
Male	6.00	4.00	36.00	15.00	1.00	62.00
	9.68%	6.45%	58.06%	24.19%	1.61%	100.00%
	18.18%	44.44%	61.02%	100.00%	11.11%	49.60%
	4.80%	3.20%	28.80%	12.00%	.80%	49.60%
Female	27.00	5.00	23.00	.00	8.00	63.00
	42.86%	7.94%	36.51%	.00%	12.70%	100.00%
	81.82%	55.56%	38.98%	.00%	88.89%	50.40%
	21.60%	4.00%	18.40%	.00%	6.40%	50.40%
Total	33.00	9.00	59.00	15.00	9.00	125.00
	26.40%	7.20%	47.20%	12.00%	7.20%	100.00%
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
	26.40%	7.20%	47.20%	12.00%	7.20%	100.00%

Chi-square tests.			
Statistic	Value	df	Asymp. Sig. (2-tailed)
Pearson Chi-Square	36.78	4	.000
Likelihood Ratio	44.44	4	.000
Linear-by-Linear Association	10.63	1	.001
N of Valid Cases	125		

Figure 3: Cross Tabulation and Chi-square between Gender v/s Type of News (Source: Authors' depiction)

According to this Chi-square test $p\text{-value} \leq 0.05$, we can say gender has no significant effect on the type of news read.

Age * Newspaper_reading_participation [count, row %, column %, total %].				
Age	Newspaper_reading_participation			Total
	Regularly	Occasionally	Rarely	
18-30	41.00	20.00	8.00	69.00
	59.42%	28.99%	11.59%	100.00%
	47.67%	68.97%	80.00%	55.20%
	32.80%	16.00%	6.40%	55.20%
31-59	38.00	9.00	2.00	49.00
	77.55%	18.37%	4.08%	100.00%
	44.19%	31.03%	20.00%	39.20%
	30.40%	7.20%	1.60%	39.20%
60 years and above	7.00	.00	.00	7.00
	100.00%	.00%	.00%	100.00%
	8.14%	.00%	.00%	5.60%
	5.60%	.00%	.00%	5.60%
Total	86.00	29.00	10.00	125.00
	68.80%	23.20%	8.00%	100.00%
	100.00%	100.00%	100.00%	100.00%
	68.80%	23.20%	8.00%	100.00%

Chi-square tests.			
Statistic	Value	df	Asymp. Sig. (2-tailed)
Pearson Chi-Square	8.15	4	.086
Likelihood Ratio	10.26	4	.036
Linear-by-Linear Association	7.53	1	.006
N of Valid Cases	125		

Figure 4: Cross Tabulation and Chi-square between Age v/s Newspaper Reading Participation (Source: Authors' depiction)

According to this Chi-square test p-value > 0.05, we can say age has a significant effect on newspaper reading at a level of 5% significance.

Age * Name_of_newspaper [count, row %, column %, total %].			
Age	Name_of_newspaper		Total
	Ananda Bazar Patrika	The Times of India	
18-30	46.00	23.00	69.00
	66.67%	33.33%	100.00%
	56.79%	52.27%	55.20%
	36.80%	18.40%	55.20%
31-59	31.00	18.00	49.00
	63.27%	36.73%	100.00%
	38.27%	40.91%	39.20%
	24.80%	14.40%	39.20%
60 years and above	4.00	3.00	7.00
	57.14%	42.86%	100.00%
	4.94%	6.82%	5.60%
	3.20%	2.40%	5.60%
Total	81.00	44.00	125.00
	64.80%	35.20%	100.00%
	100.00%	100.00%	100.00%
	64.80%	35.20%	100.00%

Chi-square tests.			
Statistic	Value	df	Asymp. Sig. (2-tailed)
Pearson Chi-Square	.34	2	.845
Likelihood Ratio	.33	2	.847
Linear-by-Linear Association	.32	1	.572
N of Valid Cases	125		

Figure 5: Cross tabulation and Chi-square between Gender v/s Newspaper Read (Source: Authors' depiction)

According to this Chi-square test p-value > 0.05, we can say age has a significant effect on newspaper read at a level of 5% significance.

Age * Type_of_news [count, row %, column %, total %].						
Age	Type_of_news					Total
	Public Health	Technology	Political News	sports	entertainment	
18-30	18.00	8.00	27.00	8.00	8.00	69.00
	26.09%	11.59%	39.13%	11.59%	11.59%	100.00%
	54.55%	88.89%	45.76%	53.33%	88.89%	55.20%
	14.40%	6.40%	21.60%	6.40%	6.40%	55.20%
31-59	12.00	1.00	28.00	7.00	1.00	49.00
	24.49%	2.04%	57.14%	14.29%	2.04%	100.00%
	36.36%	11.11%	47.46%	46.67%	11.11%	39.20%
	9.60%	.80%	22.40%	5.60%	.80%	39.20%
60 years and above	3.00	.00	4.00	.00	.00	7.00
	42.86%	.00%	57.14%	.00%	.00%	100.00%
	9.09%	.00%	6.78%	.00%	.00%	5.60%
	2.40%	.00%	3.20%	.00%	.00%	5.60%
Total	33.00	9.00	59.00	15.00	9.00	125.00
	26.40%	7.20%	47.20%	12.00%	7.20%	100.00%
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
	26.40%	7.20%	47.20%	12.00%	7.20%	100.00%

Chi-square tests.			
Statistic	Value	df	Asymp. Sig. (2-tailed)
Pearson Chi-Square	12.31	8	.138
Likelihood Ratio	14.88	8	.062
Linear-by-Linear Association	.72	1	.396
N of Valid Cases	125		

Figure 6: Cross tabulation and Chi-square between Gender v/s Type of News (Source: Authors' depiction)

According to this Chi-square test $p\text{-value} > 0.05$, we can say age has a significant effect on the type of news read at a level of 5% significance.

Education * Newspaper_reading_participation [count, row %, column %, total %].

Education	Newspaper_reading_participation			Total
	Regularly	Occasionally	Rarely	
Primary to class 8	1.00 100.00% 1.16% .80%	.00 .00% .00% .00%	.00 .00% .00% .00%	1.00 100.00% .80% .80%
Class 10-12	.00 .00% .00% .00%	2.00 100.00% 6.90% 1.60%	.00 .00% .00% .00%	2.00 100.00% 1.60% 1.60%
Graduate	17.00 68.00% 19.77% 13.60%	7.00 28.00% 24.14% 5.60%	1.00 4.00% 10.00% .80%	25.00 100.00% 20.00% 20.00%
Post graduate	68.00 70.10% 79.07% 54.40%	20.00 20.62% 68.97% 16.00%	9.00 9.28% 90.00% 7.20%	97.00 100.00% 77.60% 77.60%
Total	86.00 68.80% 100.00% 68.80%	29.00 23.20% 100.00% 23.20%	10.00 8.00% 100.00% 8.00%	125.00 100.00% 100.00% 100.00%

Chi-square tests.

Statistic	Value	df	Asymp. Sig. (2-tailed)
Pearson Chi-Square	8.33	6	.215
Likelihood Ratio	7.94	6	.242
Linear-by-Linear Association	.02	1	.902
N of Valid Cases	125		

Figure 7: Cross tabulation and Chi-square between Education v/s Newspaper Reading Participation
(Source: Authors' depiction)

According to this Chi-square test $p\text{-value} > 0.05$, we can say education has a significant effect on newspaper reading at a level of 5% significance.

Education * Name_of_newspaper [count, row %, column %, total %].

Education	Name_of_newspaper		Total
	Ananda Bazar Patrika	The Times of India	
Primary to class 8	1.00 100.00% 1.23% .80%	.00 .00% .00% .00%	1.00 100.00% .80% .80%
Class 10-12	1.00 50.00% 1.23% .80%	1.00 50.00% 2.27% .80%	2.00 100.00% 1.60% 1.60%
Graduate	16.00 64.00% 19.75% 12.80%	9.00 36.00% 20.45% 7.20%	25.00 100.00% 20.00% 20.00%
Post graduate	63.00 64.95% 77.78% 50.40%	34.00 35.05% 77.27% 27.20%	97.00 100.00% 77.60% 77.60%
Total	81.00 64.80% 100.00% 64.80%	44.00 35.20% 100.00% 35.20%	125.00 100.00% 100.00% 100.00%

Chi-square tests.

Statistic	Value	df	Asymp. Sig. (2-tailed)
Pearson Chi-Square	.74	3	.863
Likelihood Ratio	1.06	3	.787
Linear-by-Linear Association	.01	1	.925
N of Valid Cases	125		

Figure 8: Cross tabulation and Chi-square between Education v/s Newspaper Read
(Source: Authors' depiction)

According to this Chi-square test $p\text{-value} > 0.05$, we can say education has a significant effect on newspaper reading at a level of 5% significance.

Education * Type_of_news [count, row %, column %, total %].

Education	Type_of_news					Total
	Public Health	Technology	Political News	sports	entertainment	
Primary to class 8	.00	.00	1.00	.00	.00	1.00
	.00%	.00%	100.00%	.00%	.00%	100.00%
	.00%	.00%	1.69%	.00%	.00%	.80%
	.00%	.00%	.80%	.00%	.00%	.80%
Class 10-12	1.00	.00	1.00	.00	.00	2.00
	50.00%	.00%	50.00%	.00%	.00%	100.00%
	3.03%	.00%	1.69%	.00%	.00%	1.60%
	.80%	.00%	.80%	.00%	.00%	1.60%
Graduate	5.00	4.00	10.00	4.00	2.00	25.00
	20.00%	16.00%	40.00%	16.00%	8.00%	100.00%
	15.15%	44.44%	16.95%	26.67%	22.22%	20.00%
	4.00%	3.20%	8.00%	3.20%	1.60%	20.00%
Post graduate	27.00	5.00	47.00	11.00	7.00	97.00
	27.84%	5.15%	48.45%	11.34%	7.22%	100.00%
	81.82%	55.56%	79.66%	73.33%	77.78%	77.60%
	21.60%	4.00%	37.60%	8.80%	5.60%	77.60%
Total	33.00	9.00	59.00	15.00	9.00	125.00
	26.40%	7.20%	47.20%	12.00%	7.20%	100.00%
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
	26.40%	7.20%	47.20%	12.00%	7.20%	100.00%

Chi-square tests.

Statistic	Value	df	Asymp. Sig. (2-tailed)
Pearson Chi-Square	6.49	12	.890
Likelihood Ratio	6.69	12	.878
Linear-by-Linear Association	.01	1	.914
N of Valid Cases	125		

Figure 9: Cross tabulation and Chi-square between Education v/s Type of News Read
(Source: Authors' depiction)

According to this Chi-square test $p\text{-value} > 0.05$, we can say education has a significant effect on the type of news read at a level of 5% significance.

The Name of Newspaper v/s Type of Content and Their Execution

Name_of_newspaper * Type_of_newspaper_content [count, row %, column %, total %].

Name_of_newspaper	Type_of_newspaper_content					Total
	Headline from front pages or any other pages	Graphics/ chart/ data distribution	Column and content	News in national pages	can't say	
Ananda Bazar Patrika	38.00	22.00	9.00	9.00	3.00	81.00
	46.91%	27.16%	11.11%	11.11%	3.70%	100.00%
	64.41%	66.67%	75.00%	50.00%	100.00%	64.80%
	30.40%	17.60%	7.20%	7.20%	2.40%	64.80%
The Times of India	21.00	11.00	3.00	9.00	.00	44.00
	47.73%	25.00%	6.82%	20.45%	.00%	100.00%
	35.59%	33.33%	25.00%	50.00%	.00%	35.20%
	16.80%	8.80%	2.40%	7.20%	.00%	35.20%
Total	59.00	33.00	12.00	18.00	3.00	125.00
	47.20%	26.40%	9.60%	14.40%	2.40%	100.00%
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
	47.20%	26.40%	9.60%	14.40%	2.40%	100.00%

Chi-square tests.

Statistic	Value	df	Asymp. Sig. (2-tailed)
Pearson Chi-Square	3.96	4	.411
Likelihood Ratio	4.89	4	.299
Linear-by-Linear Association	.01	1	.910
N of Valid Cases	125		

Figure 10: Cross Tabulation and Chi-square between Newspaper V/S Newspaper Content
(Source: Authors' depiction)

From Figure 10 it is observed that the respondents who read Anandabazar Patrika mostly prefer reading the headlines from the front pages of the newspaper denoted by 46.9 one percent of the respondents. On the other hand, the respondents who read the Times of India also emphasized that they mainly read headlines from front pages to understand the news value than that of the other types of newspaper content. According to this Chi-square test $p\text{-value} > 0.05$, we can say the newspaper has a significant effect on the type of newspaper content at a level of 5% significance.

Name_of_newspaper * Information_Execution [count, row %, column %, total %].							
Name_of_newspaper	Information_Execution						Total
	satisfactorily executed	Partially executed	Badly executed	Unable to execute	Fully executed	can't say	
Ananda Bazar Patrika	25.00	40.00	4.00	2.00	5.00	5.00	81.00
	30.86%	49.38%	4.94%	2.47%	6.17%	6.17%	100.00%
	56.82%	70.18%	44.44%	100.00%	62.50%	100.00%	64.80%
	20.00%	32.00%	3.20%	1.60%	4.00%	4.00%	64.80%
The Times of India	19.00	17.00	5.00	.00	3.00	.00	44.00
	43.18%	38.64%	11.36%	.00%	6.82%	.00%	100.00%
	43.18%	29.82%	55.56%	.00%	37.50%	.00%	35.20%
	15.20%	13.60%	4.00%	.00%	2.40%	.00%	35.20%
Total	44.00	57.00	9.00	2.00	8.00	5.00	125.00
	35.20%	45.60%	7.20%	1.60%	6.40%	4.00%	100.00%
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
	35.20%	45.60%	7.20%	1.60%	6.40%	4.00%	100.00%

Chi-square tests.			
Statistic	Value	df	Asymp. Sig. (2-tailed)
Pearson Chi-Square	7.41	5	.192
Likelihood Ratio	9.57	5	.088
Linear-by-Linear Association	1.88	1	.170
N of Valid Cases	125		

Figure 11: Cross tabulation and Chi-square between Newspaper v/s Information Execution
(Source: Authors' depiction)

From Figure 11 it is noted that 49.9% of the readers of the Ananda Bazar Patrika said that the contents are partially executed in the newspaper. On the other hand the majority of the readers of The Times of India saint that the contents are satisfactorily executed in the newspaper. According to this Chi-square test $p\text{-value} > 0.05$, we can say the newspaper has a significant effect on information execution at a level of 5% significance.

The Preference of News Content v/s Depiction of Newspaper Content

Preference_for_news_presentation * Depiction_of_preferred_element [count, row %, column %, total %]							
Preference_for_news_presentation	Depiction_of_preferred_element						Total
	satisfactorily depicted	Partially depicted	Fully Depicted	badly depicted	Depicted with an error	can't say	
Information form statet levle hospitals/ health officers	13.00	11.00	4.00	.00	.00	1.00	29.00
	44.83%	37.93%	13.79%	.00%	.00%	3.45%	100.00%
	22.03%	25.58%	36.36%	.00%	.00%	14.29%	23.20%
Information from Ministry of Health Government of India	10.40%	8.80%	3.20%	.00%	.00%	.80%	23.20%
	16.00	18.00	4.00	2.00	1.00	2.00	43.00
	37.21%	41.86%	9.30%	4.65%	2.33%	4.65%	100.00%
Local Reporting	27.12%	41.86%	36.36%	66.67%	50.00%	28.57%	34.40%
	12.80%	14.40%	3.20%	1.60%	.80%	1.60%	34.40%
	7.00	3.00	.00	1.00	1.00	.00	12.00
Information from WHO Bulletin	58.33%	25.00%	.00%	8.33%	8.33%	.00%	100.00%
	11.86%	6.98%	.00%	33.33%	50.00%	.00%	9.60%
	5.60%	2.40%	.00%	.80%	.80%	.00%	9.60%
Photograph or any other pictorial evidences	20.00	7.00	3.00	.00	.00	1.00	31.00
	64.52%	22.58%	9.68%	.00%	.00%	3.23%	100.00%
	33.90%	16.28%	27.27%	.00%	.00%	14.29%	24.80%
6.00	16.00%	5.60%	2.40%	.00%	.00%	.80%	24.80%
	2.00	4.00	.00	.00	.00	.00	6.00
	33.33%	66.67%	.00%	.00%	.00%	.00%	100.00%
Total	3.39%	9.30%	.00%	.00%	.00%	.00%	4.80%
	1.60%	3.20%	.00%	.00%	.00%	.00%	4.80%
	1.00	.00	.00	.00	.00	3.00	4.00
Total	25.00%	.00%	.00%	.00%	.00%	75.00%	100.00%
	1.69%	.00%	.00%	.00%	.00%	42.86%	3.20%
	.80%	.00%	.00%	.00%	.00%	2.40%	3.20%
Total	59.00	43.00	11.00	3.00	2.00	7.00	125.00
	47.20%	34.40%	8.80%	2.40%	1.60%	5.60%	100.00%
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Total	47.20%	34.40%	8.80%	2.40%	1.60%	5.60%	100.00%

Chi-square tests.

Statistic	Value	df	Asymp. Sig. (2-tailed)
Pearson Chi-Square	57.29	25	.000
Likelihood Ratio	37.10	25	.056
Linear-by-Linear Association	1.01	1	.314
N of Valid Cases	125		

Figure 12: Cross tabulation and Chi-square between News Content Preferred v/s Newspaper Content Depicted (Source: Authors' depiction)

According to this Chi-square test $p\text{-value} \leq 0.05$, we can say preference of news content has no significant effect on the depiction of newspaper content.

Secondary Data Analysis

Anandabazar Patrika

On 16 March 2020 West Bengal first announced a full lockdown of all educational institutions, and partial lockdown in other sectors, due to the rising number of corona cases. The front page of the 16th March regional newspaper did not have any news of the West Bengal corona crisis, rather the first lead was of Maharashtra, which signifies, Bengal still did not have its first case. The precautionary measures have time and again been repeated on the national page, again on the regional page, and international page. The newspaper on 9 April, with a headline, "মেয়াদ বাড়লে কষ্ট করে চালান: মমতা", which loosely translates to, if the term is extended, adjust with difficulty. By the end of April, the solidarity with government officials, police, and health officials soon started dissolving. Headlines like "আক্রান্ত পুলিশ", means attacks on police officials in several

places while doing their Covid-19 duty, started in. The discourse here is provocative towards health and government officials. May onwards, another few started invading, like, 'Red Zone', 'Green Zone' and 'Orange Zone'. The zones were marked as per the Covid-19 cases in the area, from the first May onwards. The awareness for the use of 'masks' and 'sanitizer' took the secondary option, whereas the main focus was spotted on the number of cases in the area.

By June 2020, the news about Covid-19 or health awareness was hard to find in the first pages of regional newspapers conflict between the time India and China started. Social distancing started becoming a myth, by that time. Headlines like, "মন্দির খুলতেই অধরা দূরত্ববিধি" suggested the illusion of social distancing, as soon as the temple opened in Tarapith, a popular temple in West Bengal. This signifies the panic that was evident in April and started dissolving from June onwards. The tender attitude of the police officials has been blamed and for this reason, again complete lockdown in the whole state on 24 June 2020. The headline, "এবারকড়াহাতেলকড়াউন", means, this time more stringent measures for lockdown, which suggests, there were slow down from the part of the officials in the previous month.

In September health communication through newspaper content started taking a new form. September was the month just before the biggest festival of West Bengal Durga Puja. The words, like, 'second wave', 'masks', 'social distancing' are found in every alternative news piece. There was a chance of a second corona wave in Bengal, in October, the awareness started in September.

From the discourse analysis of West Bengal's highest circulated regional newspaper, it is evident that a full circle has been covered from spreading awareness, to shifting towards stringent measures, to break the chain, to slow down measures, to more politically less health-related news, to again a bang on awareness creation.

The Times of India

This qualitative data analysis has been done considering the rhetoric that is the study of the language used in the contents of a newspaper and its discourse that is its application beyond the text. While analyzing The Times of India with the help of the constructed weeks it was observed that. Initially, in the beginning, the front page consisted of words like 'Corona fear' and 'test reports' which shows that the elements of fear have been used as one of the major factors for making people aware of the rapid spread of the disease. In the latter weeks of March 2021, there was more picture graphical representation observed along with other data about coronavirus. Simultaneously the issues of migrant workers were also reflected on the front page. From 15 April 2020 The Times of India modified its logo with the 'O' of 'OF' reflecting a human face wearing a mask. This reflects that the newspaper not only introduced unique content but there was also uniqueness in their page-makeup. In May the

newspaper focused on 'Lockdown 4.0' and the actions taken up by the government. In September there was almost no reflection of Covid-19 cases on the front page of the newspaper.

The Times City Page from the Kolkata edition represented issues like 'Temple crowds' and 'Social distancing' came into play to explain the precautions to be taken. During the later period of March, this segment reported the need for the administration to look after supply chain issues in the post lockdown phase. New issues like 'supply hiccups' and 'Corona victim's cremation' were reported. Just like the front page, the discourse of the city page was kept quite similar where the 'End of lockdown 3.0' and future issues were highlighted on the city page and still concentrates on the extension of lockdown till 31 of July.

On the national page along with the number of deaths and rise of cases, there was also a reflection of political issues among different political parties. Headlines like 'Didi writes to 18 CM' talk about political conflicts and the need for political unity to help the migrant workers traveling in that scenario. On the other hand, the international pages reflected the steps that were taken up by other countries using words like "Europe Locks Itself (...)", to emphasize the importance of lockdown. The international page during May 2020, focused on Donald Trump and the condition of the US 'claiming all is well' expressed in a pun intended nature. There was a reduced number of news on Covid-19 on national and international pages from August 2020. Similar to the front page the global and the national pages.

DISCUSSION

The majority of both male and female respondents had been regularly reading newspapers with 70.97% male respondents and 66.67% female respondents respectively. Moreover, gender was found to be significantly influencing the newspaper reading behavior of the respondents. After the statistical data analysis, it is also clear from Figure 2 denotes that female respondents read more news on public health than male respondents. Out of all the factors the majority of the male respondents preferred to need political news from that of the news on public health. Other factors like education and age are also significantly influencing newspaper reading behavior. The older generations are more regular readers of newspapers than that of the younger generation. News on public health is read more by the age group of 60 years and above than that of the younger generation who are more interested in political news.

If the content design is considered then it was observed that the newspaper readers of both Anandabazar Patrika and The Times of India mostly follow the headline of the front page to understand the value of the news presented. Moreover, content execution of the Times of India was noted to be satisfactorily executed than that of the Anandabazar Patrika which was found to have been partially executed.

From the qualitative data analysis of The Times of India, it was observed that initially, the newspaper used the elements of fear with the choice of its language as well as their application to aware people against the pandemic in the third week of March 2020. Gradually the discourse changed from fear to updates about initiatives taken up by the Central as well as State governments. Then, in June and July 2020, the number of cases, the rate of recovery, and Covid-19 warriors were the major focus of the newspaper. In August and September 2020, there were very few news articles about Covid-19 observed across different pages. If the concept of audience analysis after McQuail (1997) is considered then the perception of the audience is necessary to consider while determining the effect of content.

From the primary data analysis, it was observed that the front page headlines play a very crucial role in the choice of the respondents. It was also observed from the opinion of Jeffery (2000) that newspapers are one of the most effective tools of communication during the Covid-19 pandemic. Similarly, it was observed from the quantitative data analysis that the audience considers newspapers to be the most authentic medium of communication. In addition to this newspapers have also been useful in promoting scientific methods of health. Yet, it was also noted that the majority of respondents prefer TV and social media over newspapers for getting Covid-19 related updates.

CONCLUSION

It can be concluded that media advocacy supports a significant discourse of social cognitive behavior through newspaper content during the Covid-19 pandemic. During the first few months, the element of fear was found to be prevailing among the newspapers. Gradually, it was the front-page headlines that showed considerable variations in their discourses. From the analysis of the audience behavior, it was also noted that newspaper is one of the potential mediums of communication yet the audience has a preference for modern gadgets when it comes to receiving information about the disease. So, it can be observed that along with newspapers there are other mediums of communication especially the new media which is being preferred by the audience. Yet, considering the authenticity and accuracy of content it can be concluded that newspapers are the most crucial medium for disseminating information to the audience during the pandemic. It is through the promotion of scientific knowledge that newspapers have been keeping pace with media advocacy during the Covid-19 pandemic in Kolkata. 🌐

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Annex I: Constructed Weeks

Days	Date (Constructed Weeks)		
Monday	16.03.2020	18.05.2020	20.07.2020
Tuesday	12.05.2020	14.07.2020	15.09.2020
Wednesday	22.04.2020	24.06.2020	26.08.2020
Thursday	09.04.2020	04.06.2020	06.08.2020
Friday	27.03.2020	29.05.2020	24.07.2020
Saturday	09.05.2020	11.07.2020	05.09.2020
Sunday	03.05.2020	14.06.2020	30.08.2020



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THE INTERCULTURAL COMMUNICATION AND COMMUNITY PARTICIPATION IN LOCAL GOVERNANCE: THE CASE OF NORTH MACEDONIA AND KOSOVO¹

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Abstract: *Communication is a process and part of human identity without which man could not exist today. Intercultural communication is a form of global communication, which refers to intercultural interactions between different cultures that appear in a social group with different religious, social, ethnic, cultural, and social backgrounds. North Macedonia and Kosovo are considered multicultural states which have ethnic identities within them, which are part of the mosaic and the promotion of intercultural communication is a test of the democratic development of these states. Therefore, this study aims to research and analyze the role of intercultural communication between local communities in both countries, communication of local government with the community, and community participation in public meetings as part of local decision-making. The methodology applied in this paper is the study of literature and the development of quantitative research with local communities. The results show that even though the participation of local communities is low in both countries, due to various factors, intercultural communication has broken down barriers between communities and has influenced the initiatives for the organization and development of the community itself.*

Keywords: *Intercultural Communication; Multiculturalism; Participation; Decision Making; North Macedonia; Kosovo*

¹ Some of the results presented in this article are part of the PhD dissertation entitled 'Cultural Identity of the Albanians of North Macedonia in the Face of Diversities from 1990 to Today' and part of the dissertation entitled 'Community Development and Local Governance - A Comparative Study of Municipalities of the Prishtina Region'.

INTRODUCTION

Communication is an important human process through which information is exchanged between two or more people. Today, communication is considered a dialogue that is a bridge between other cultures and societies. The word communication is derived from the Latin term '*communis*' which means common. The definition underscores the fact that unless a common understanding results from the exchange of information, there is no communication" (Fred 2010). In addition to communication, other forms of communication have been developed, especially intercultural and political communication. The first one is about breaking down barriers between different cultures and it "is the sending and receiving of messages across languages and cultures. It is also a negotiated understanding of meaning in human experiences across social systems and societies" (Arent 2009) whereas, political communication according to Brian McNair (2011) includes "all forms of communication undertaken by politicians and other political actors to achieve specific objectives. Communication addressed to these actors by non-politicians such as voters and newspaper columnists. Communication about these actors and their activities, as contained in news reports, editorials, and other forms of media discussion of politics". Intercultural communication has the effect of strengthening inter-community relations and avoiding prejudices and stereotypes, while the political one has the effect of strengthening government-community relations and increasing community trust in public institutions.

In the Western Balkan countries, intercultural and political communication plays an important role in community development and increasing participation in local decision-making as a crucial form of democracy. It is assumed that society is developed and democratic when there is genuine communication between the community and the local governments themselves.

This paper elaborates and analyzes the role and importance of intercultural communication as an important element in the development of the community itself and the participation of communities in the local policy-making and decision-making process in North Macedonia and Kosovo. The paper also analyzes the legal framework of the local government system in both countries and local decision-making mechanisms as an important part of democratic development. In the framework of this paper, the following were used: literature study method, legal method, comparison method, and development of quantitative research with 500 representatives of the municipalities of the Prishtina region in Kosovo and 480 respondents of municipalities in North Macedonia – or in total 980 respondents.

Due to the pandemic, the research in North Macedonia was conducted through the *Google Forms* software, and then the data were systematized in the program SPSS No 24. The target municipalities in North Macedonia were: Skopje, Tetovo, Gostivar, Kichevo, and Debar. Whereas, in Kosovo, the target municipalities were: Prishtina, Obiliq,

Fushe Kosove, Drenas, and Gracanica. Some of the research questions we have presented during this article are: What is the role of intercultural communication between the cultures of different ethnicities in North Macedonia and Kosovo? How much do local communities participate in the policy-making and decision-making process? What are the factors of (non)participation of local communities in these processes? How much can intercultural communication affect the diversity between different ethnicities in North Macedonia and the Republic of Kosovo?

THE LOCAL SELF-GOVERNMENT IN NORTH MACEDONIA AND KOSOVO: A BRIEF COMPARISON

In democratic societies, the functioning of self-governing systems is important for the overall development of democracy. Such systems are based on principles and values that benefit local communities, seeing them as part of the partnership. A political system cannot be accepted without the involvement of local government, because it is considered the first stage of democracy. According to Pollazhani *et al.* (2010), "local government is seen as an autonomous system of government with local communities, established in narrow parts of the state territory. The development of local self-government is one of the conditions of democracy and the rule of law". The local government is the 'first door' of communication with citizens and it must take into account the interests, suggestions, and concerns of citizens. Thus, local government is about "a government of all issues related to the general interest of residents and which extends its activity and power in a narrow space, defined within a state" (Selimi 2008). Concerning that, local governance needs "to happen when people live in a community and have sufficiently close interaction and to solve their problems they must work together as a group to achieve the results they want" (Ndreu 2016).

The social developments and changes that took place during the year 2000 and all were made to be added to transform from a monistic system to a democratic system, thus that time had taken over the local government reform. Such reforms undoubtedly affect the countries of the Western Balkans, including North Macedonia and Kosovo. Local government in these two countries is based on the European Charter of Local Self-Government, which is the "first-level for the exercise of democracy. It has become the benchmark international treaty in this area. The Charter was opened for signature on 15 October 1985 and came into force on 1 September 1988; it is ratified by 47 Council of Europe member states. It is complemented for the regions by the Council of Europe Reference Framework for Regional Democracy" (Council of Europe 2021). North Macedonia signed this Charter in 1996, while in 1997 it ratified it and also entered into force in the same year. Kosovo has not signed it yet, although the principles of the Charter are incorporated in the Constitution and the legislation of local self-government in Kosovo.

North Macedonia is a unitary state and “composed of two tiers of government – central and municipal, and the principles of local self-government and decentralization are enshrined in the Constitution of 1991. Central authorities oversee the legality of municipal government’s acts and endeavors; whereas the municipalities, on the other hand, have the right to appeal to the Constitutional Court if the State authorities encroach on their prerogatives” (SNGWOFI 2019). The local government in North Macedonia is a:

constitutional matter, since the Constitution of the Republic of North Macedonia, defines local government as a fundamental value of the constitutional order and devotes a chapter to this whole area, even the fifth chapter (provisions of Articles 114-117), which defines the constitutional position of local government in the political system of the country. The Constitution stipulates that citizens are guaranteed the right to local government. The units of local government are the municipalities and the City of Skopje as separate units, where forms of local government can be established (Shasivari 2020).

Regarding the territorial organization of the local government,

with the Law on Territorial Organization of Local Government in the Republic of North Macedonia of 11.08.2004, the number of municipalities was reduced from 124 to 84 municipalities. In 2013, after the local elections of March 24, the number of municipalities was reduced from 84 to 80 municipalities, as they are currently in the RMV. The City of Skopje is a special unit of local government with an area of 571.46 km² and a population of 506,926 inhabitants, which includes 10 municipalities: Aerodrom, Kisela Voda, Karposh, Butel, Gazi Baba, Center, Saraj, Chair, Shuto Orizari, and Gjorche Petrov (Shasivari 2020, 320).

Whereas, regarding the municipal bodies according to the law on local self-government, they are: the Council and the Prefect (Mayor). The Municipal Council represents:

the collegial body representing the citizens, which consists of representatives of the citizens elected in general, direct and free elections by secret ballot. The members of the council are elected for a four-year term; they represent the citizens and decide in the council according to their convictions. The council member cannot be revoked. The council consists of 9 to 33 members depending on the number of inhabitants in the municipality. The mayor represents the individual executive body of the municipality with broad and important competencies, where his/her position derives from the direct way of his/her election because he/she is

elected every four years by general, direct, and free elections by secret ballot (Law on Local Self-Government 2020).

Unlike the local government in North Macedonia, local government in Kosovo is a single tier, central and local, and municipalities are the basic unit of local self-government. Thus, the Law on Local Self-Government in Kosovo states that “the municipality is the basic unit of local self-government in the Republic of Kosovo, made up of a community of citizens of a specific territory defined by law and shall exercise all powers which are not explicitly reserved for the central institutions” (Law No. 03/L-040 on Local Self Government, 2008). The municipalities practice their competencies, which are specified in the framework of the Law on local self-government. There are currently 38 municipalities, 10 of which are governed by the Serb community and 1 of them by the Turkish community. Municipalities apply their responsibilities following the Law on Local Self-Government. The main structures of local government are the Municipal Assembly and the Mayor (Law No. 03 / L-040 on Local Self Government 2008).

The Municipal Assembly is considered to be the highest decision-making body in the municipality and mainly plays the role of the legislature. The members of the assembly are elected directly by the vote of the citizens, where their number varies depending on the number of population in the municipalities, from 15 to 41 members, including the gender quota component of 30%, and the capital of Kosovo - Prishtina - has 51 members due to its status as the capital. The chairman of the assembly is elected by “the members of the assembly and his term are 4 years. The Municipal Assembly is also a supervisory body charged with ensuring the provision of services by the executive bodies following the law. The Municipal Assembly serves as a platform for the exchange of views and opinions” (Association of Kosovo Municipalities 2008).

According to the legislation in force, in municipalities where the communities that do not constitute the majority and constitute at least 10% of the population, the position of Deputy Chairman of the Municipal Assembly for Communities is reserved for the candidate who belongs to the non-majority community, who has received the majority of votes from the open list during the municipal elections. The Municipal Assembly, in addition to the functions and duties assigned to it under the Law on Local Self-Government, should establish mandatory committees and other committees. The Municipal Assembly has:

functional and advisory committees. Functional committees consist of members of the assembly while advisory committees consist of citizens (local communities) and professionals, not members of the assembly. Functional committees include standing committees, which must exist in all municipalities and other committees which belong to a certain area and can be added or removed from the assembly by statute. The Standing

Committees are the Policy and Finance Committee as well as the Committees (Bakija 2017).

In the framework of local government, the local administration also plays an important role, which is composed of two main components: a) directors, who are politically appointed by the mayor, and b) civil servants who are elected according to the Law on Civil Service.

THE ROLE OF INTERCULTURAL COMMUNICATION IN THE DEVELOPMENT OF LOCAL COMMUNITIES

A community is primarily understood as a group of people who have common goals, social affiliation, and a sense of belonging to a particular community. Community development “is the gradual positive change, among people within a given geographical area, towards self-determined ideals, with minimal outside interference” (Schutte 2016). Marshall Gordon (2009) in his dictionary of sociology states that “today, the community concerns a particularly constituted set of social relationships based on something which the participants have in common - usually a common sense of identity”. The community unites people, creates a social cohesion between them, has an interaction that and creates common aspects, including values, norms, and religion.

Therefore, “the communities can be micro (small) encompassing mainly small communities such as religious communities, business communities, etc., as well as macro (large) communities that involve national, international or even virtual communities. Hence, the community has even greater empowerment at the moment that empowers their interests, achieved through participation in decision-making in local government” (Kamberi 2018). In this regard, the role of intercultural communication is extremely important, because, in addition to strengthening inter-social relations within the community, it also has an impact on mobilizing the community to participate in public policies in local government.

Table 1: Community Development Goals and Objectives (Source: Taylor 2009)

Focus/ Resource	Goals	Possible Objectives
Economic	Sustain existing levels and create additional economic activity (jobs, businesses, income streams)	<ul style="list-style-type: none">• Retain and expand existing businesses• Recruit new businesses and industries from elsewhere• Plug the leaks that cause capital and profits to leave the community
Physical, Natural, and Cultural	Connect the community with distant markets Ensure public health and safety Preserve and enhance the natural, cultural and historic environment	<ul style="list-style-type: none">• Ensure adequate water, sewer, and other utilities• Provide transportation and telecommunications services to link the community with distant markets• Build community consensus on appropriate land and environmental uses

People	Create a high-skill, high-value workforce and enterprising, knowledgeable entrepreneurs	<ul style="list-style-type: none"> • Upgrade the skills of adult workers and keep them at competitive levels • Provide under-skilled adults with strong, job-specific skills, linking training and work • Develop new value-added business enterprises • Promote entrepreneurship
Environment	Create economic enterprises using locally appropriate management of natural, historical, and cultural resources	<ul style="list-style-type: none"> • Develop heritage, cultural and ecotourism opportunities • Consider the environmental consequences of development activities
Social	Ensure strong human and social services to support working people, families, and those in need	<ul style="list-style-type: none"> • Provide for adequate child and eldercare • Provide recreational outlets for all ages • Foster the development of affordable housing
Civic	Build a visionary, accountable and inclusive culture of civic decision making and problem-solving	<ul style="list-style-type: none"> • Ensure open, competent, and accessible governmental and civic institutions • Deepen and broaden the leadership pool • Promote participation in civic affairs by all sectors of the community

As can be seen from Table 1, community development has three main phases: focus, goals, and objectives which then convert into activities and play an important role not only in community development but also in participation, policymaking, and decision making.

During the research with the local communities in the municipalities of North Macedonia and Kosovo, we measured the perception of the communities about the cooperation between them, implying an intercultural communication from which we received the answers below.

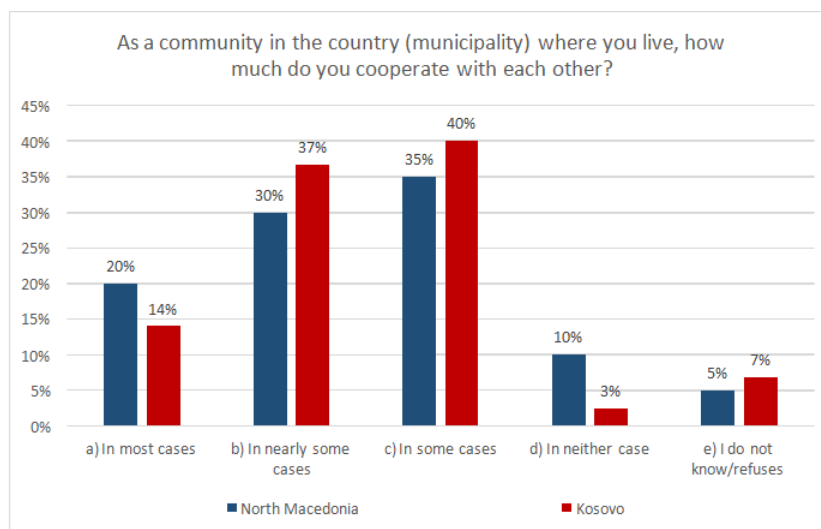


Figure 1: Cooperation between Local Communities - Intercultural Communication
(Source: Kamberi and Vejseli 2019-2020)

Based on Figure 1, we can see that after all there are no major differences between the cooperation among the communities in the municipalities of North Macedonia and the municipalities in Kosovo. We see that the community in the municipalities of North Macedonia, about 20% of them have expressed that they cooperate in most cases, 30% in some cases, 35% in some of them, 10% in no case, and 5% do not know or have refused to respond. In the case of Kosovo municipalities, we see that there is a slightly lower percentage, where about 14% of respondents say that in most cases they cooperate, 37% in some cases, 40% only in some of them, 3% in no case and 7% said they did not know or refused to answer.

So, it can be seen that intercultural communication is the one that breaks the barriers between communities (ethnic groups) that live and operate in certain territories. In the case of the municipalities of North Macedonia and Kosovo, there are different cases where communities overcome ethnic, social, religious, or gender differences and focus on the common good. Perhaps, Etzioni (2015) is right when he claims that the community is closely related to communitarianism otherwise known as “a social philosophy whose core assumption is the required shared formulations of the good, that communities consider the common good”.

THE DECISION-MAKING MECHANISMS AND PARTICIPATION IN THE POLICY-MAKING AT THE LOCAL LEVEL

Communication does not mean just a simple conversation, it is a process that includes ideas, emotion and as such conveys a message to the other person or the other party. Local government communicates with citizens through various forms and ways which are defined by the legislation of each state. Some of the forms of communication between local government and citizens are public meetings, civic initiatives, referendums, meetings with consultative committees, meetings with village councils, neighborhoods and urban settlements, petitions, and other forms of democracy, which otherwise are also known as local decision-making mechanisms. Joe Ohren (2007) points out that “Communication barriers also affect sharing between local officials in one unit and those in surrounding or overlapping units. Local officials often recognize the impact of their actions on others or vice versa, yet few local units have systematic mechanisms for communication and information across jurisdictions. Whether they take the views of other officials into account in their actions is another issue”.

This communication must take place through different forms, in which citizens can participate. In developed countries, such forms have already passed into the virtual world and this has facilitated communication between local government and citizens, but also intercultural communication, increasing the participation of local communities in decision-making. Furthermore, according to Pateman (1970):

people's participation in the community's decision-making stabilizes the community. A decision-making process that allows public participation develops from the very start as a process that perpetuates itself due to the effect of political participation. Participatory political processes have an impact upon the development of the social and political capacities of citizens, and this positively influences the next act of participation. Participation has an integrative effect especially upon those citizens who take part in political activity, and thus makes the acceptance of collective decisions easier (Kukovic, 2005).

Based on the legislation on local self-government in North Macedonia, the law provides three forms of direct local democracy: "civic initiative, a gathering of citizens and referendum" (Law on Local Self-Government 2020). In addition to the above-mentioned forms, there are also: submissions and proposals, where citizens have the right to submit submissions and proposals for the work of municipal bodies and municipal administration on their own or together with others. Based on Article 29 of the Law on Local Government during the drafting of municipal provisions, the council, respectively the mayor can organize public debates in advance, conduct surveys, or request proposals from citizens. Whereas, in Kosovo, the Law on Local Self-Government first sees some of the forms of democracy, such as public information and communication, the right to petitions, civic initiatives, the referendum (although there is still no law on referendums), consultative committees, and the right of citizens to dismiss the mayor which should be 20% of the citizens from the voter list" (Law No. 03/L-040 on Local Self-Government 2008). Although both countries have legal mechanisms of local decision-making, the results in the research conducted with the community in the municipalities of the two countries, show that nevertheless, the participation in public meetings is weak.

We can see that the respondents of both countries (Figure 2) have expressed that in most cases they do not participate in public meetings. About 50% of respondents from the municipalities of North Macedonia state that they do not attend any meetings, 30% in some of them, 10% in nearly half of them, and only 10% stated that they participate in most public meetings. Whereas, in the case of Kosovo municipalities, we see that there is no big difference. About 57% of respondents said they do not attend any public meetings, 36% in some of them, 6% in half of them, and only 2% in most public meetings. Public meetings are important for local democracy and are a measuring mechanism for community participation in decision-making. In other words, "meetings include information about the proposed project and offer an opportunity for the public to voice any concerns and/or questions" (Amborn 2010).

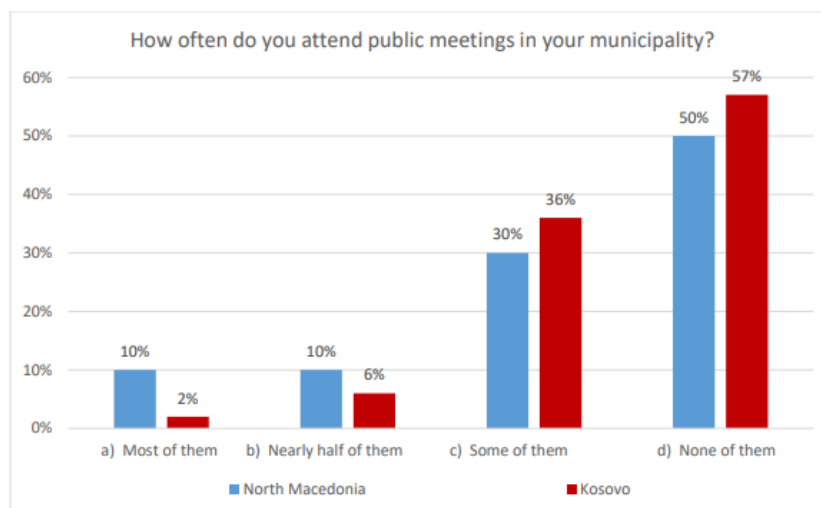


Figure 2: Cooperation between Local Communities - Intercultural Communication
(Source: Kamberi and Vejseli 2019-2020)


Albert Bandura proposed a Social Learning Theory emphasizing observation, imitation, and modeling. This theory “has evolved to include recognizing mutual goals and perspectives, uncovering values, sharing problem identification, co-creating knowledge, understanding interdependencies, complexities, and trust. The outcomes of social learning processes influence decision-making, helping community stakeholders reach agreement and make decisions based on a shared understanding of the situation” (Jemie 2014). It is a good opportunity for local authorities to take into account the concerns, suggestions, or recommendations of communities, and the non-participation of the community in such meetings undoubtedly makes it more difficult for local authorities to make decisions. This suggests that there are several factors why communities do not participate as much in public meetings.

Table 2: How Much are your Opinions Taken Into Account by the Municipal Bodies?
(Source: Kamberi and Vejseli 2019-2020)

	North Macedonia		Kosovo	
	Number of cases	Percentage	Number of cases	Percentage
a) Highly	60	13%	40	8%
b) Average	80	17%	60	12%
c) Little	180	38%	180	36%
d) Not at all	120	25%	140	28%
e) I do not know/Refuse to answer	40	8%	80	16%
Total	480	100%	500	100%

We can see that respondents in both countries have expressed that the disregard for their thoughts, ideas, or suggestions is one of the reasons why they do not participate in public meetings or have a low turnout. Although there are other factors, including political apathy of local authorities, lack of communication, i.e. timely information, long geographical distances, negligence of the community itself to be part of policy-making and decision-making, as well as other factors. In general, the low number of communities participating in public policy at the local level is not a good mechanism for democracy and it gives a signal for a passive and inactive citizen.

CONCLUSION

Intercultural communication is a key factor in the development and emancipation of local communities, while politics is another factor in cooperation between local government and local communities. Our findings show that intercultural communication is the connecting bridge for peaceful functioning between ethnic groups living in North Macedonia and Kosovo. There are also cases within these territories where communities transcend ethnic, cultural, racial and religious, and gender differences when it comes to common interests. Regarding the participation in public meetings, we see lags in both countries, where about 50% of respondents from the municipalities of North Macedonia and about 57% of respondents in Kosovo said they do not participate in any public meeting that indicates a period of prolonged transition which has also been reflected in the general process of democracy. Some of the factors we have identified why communities do not participate so much in public meetings are the disregard for the opinions (ideas) of communities on certain issues by local authorities, then the political apathy of local authorities, lack of proper communication with the community, long geographical distances, the negligence of the community itself to be part of policy-making and decision-making. The low participation of local communities in public policy is a bad reflection of general democracy and a signal that local authorities need to pay more attention to local communities for the latter to regain confidence in them as well as to create an active citizen with democratic values. 

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CHALLENGES AND DIFFICULTIES FOR MICRO-BUSINESSES IN ADAPTING IFRS FOR SMES REQUIREMENTS: KOSOVO EVIDENCE

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Abstract: *Small and medium-sized enterprises (SMEs) have a vital position in the international economy. The study aims to examine the compulsory financial reporting requirements set by the Kosovo Council for Financial Reporting (KCFR) as well as SMEs requirements for reviewing the current classification in the Kosovo context. This study, like most relevant studies, employs ordinal probit regression to examine the relationships among the requirements defined as dependent variables and other control variables such as necessary reclassification review under KCFR, preferred reclassification review under KCFR, experience knowledge of accountants and auditors, continuously education concerning financial reporting, and assessments of business owners. According to the reported conclusions, the application of these requirements in the Kosovo context does not create any opportunities for SMEs. On the contrary, the findings point to a thorough review of the reporting requirements for micro-businesses, as the current classification appears to be a burden for these businesses.*

Keywords: *Small and Medium-Sized Enterprises; Kosovo; International Financial Reporting Standards*

INTRODUCTION

Globalization, particularly commercial globalization, is an undeniable reality nowadays, and so evidence on the cultural, socioeconomic, and human resource circumstances of business organizations is extremely valuable. Because Small and Medium-Sized Enterprises (SMEs) have played a significant role in the process of globalization and the strengthening of the global economy, the accounting evidence presented by SMEs is essential. Evidence about SMEs, such as who uses accounting

evidence, comparability, and harmonization of this evidence, could be improved further to reduce the asymmetry of information. In this perspective, policymakers' roles as drafters of accounting standards should be recognized as a vital step in this regard. The IFRS for SMEs was officially published in July 2009. The IFRS for SMEs signifies a very important step towards the worldwide convergence of SME financial statements performs. These standards will assist to enhance the quality and comparison of SMEs' financial reports throughout the world, as well as provide SMEs with another avenue for accessing and financing around the world (Neag, Masca, and Pascan 2009).

Initially, the accounting system and its application in Kosovo were created on Regulation No. 2001/30 'On the establishment of the board of the financial statements of Kosovo and the financial reporting command of the business organizations'. With the implementation of Law No. 06/L-032 on Accounting, Financial Reporting, and Audit, articles 5 and 11 involve large businesses to formulate financial statements under IFRS.

By KCRF's recommendation and the Ministry of Finance's endorsement on 1 January 2020, SMEs are required to implement ISA and IFRS for SMEs based on the stated categorization. However, according to relevant data, the great majority of businesses in Kosovo are classified as micro-enterprises; despite the categorization of this category into subcategories, businesses continue to perceive these criteria as obstacles to their development.

According to Law 06/L-032, is extracted Administrative order No. 01/2020 on micro-enterprises annual financial reporting defined in article 4, which specifies clearly that micro-enterprises are enterprises who do not extend to at tiniest two of the next three conditions: 1) statement of financial position (with total assets) 350,000 EUR, 2) annual revenue up to 700,000 EUR, and 3) an average number of employees up to 10. Furthermore, the subclassification of micro-enterprises in 3 (three) classes was made as a result of this classification, under article 5 of this administrative Order. Based on the sample we have selected, this study assesses the viewpoint of all three groups: company owners, certified accountants, and legal auditors, as a result of IFRS requirements, they are recognized as a barrier to the growth of the business for the first two categories of article 5 since these two categories, up to EUR 300,000 per annum, are obligated to apply the IFRS of SMEs and to produce financial declarations.

Therefore, the research aims to determine the aspect of the obligations set out in current IFRS for SMEs, the difficulties and challenges experienced in particular by micro enterprises, based on the issues highlighted. To reach a more accurate argumentation, the study has posed some research questions as follows: 1) is the implementation of IFRS for SMEs a burden for micro-businesses given the fact that the vast majority of businesses are classified as micro-businesses, and 2) what is the perception of business owners, certified accountants on the application of these standards to these micro-businesses. The article context is designed to contribute to some important topics, first of all with a view to the extension of literature, particularly in Kosovo. Second, this

research presents a quantitative analysis to avoid the contradictory dilemmas between the KCRF's and SME's requirements and micro-enterprises in particular. Third, the original empirical contribution is that the data were used by SMEs in Kosovo to investigate the requirements set by the KCRF and their effect in business evaluation using ordered probit regression. Finally, concerning the policy implications, it makes some major recommendations to examine the standards, particularly with regards to micro-enterprises, and to reform policies in this important sector.

LITERATURE REVIEW AND HYPOTHESIS

The financial crisis of 2007-2009 led a large number of studies to estimate the consequence of financial data value conferring to new standards with the ongoing adoption of the IFRSs towards the converging financial reporting in different states. The vast majority of research refers to forced adaptation (see Roca 2021; Sinem *et al.* 2021; Cormier *et al.* 2009), but there is also research on voluntary adaptation (Kouki 2018). Furthermore, certain researchers are also focused in other directions on effects on liquidity (Daske *et al.* 2008), capital cost handling (Daske 2006), evidence comparability (Callao *et al.* 2007), unintentional consequences (Brüggemann *et al.* 2013), and on the value of their application (Cormier and Magnan 2016; Závodný 2021).

Given the evolution, the research aims to examine the adverse consequences which have a specific focus on micro-businesses when adapting the standards under the present context. It should be mentioned that there is relatively little empirical research that discourse the aspect of burden and difficulties for the application of ISA and IFRS and this is a further incentive and contribution to this research. Among the few researchers that performed empirical investigation using terminology for economic consequences reflecting the influence on the value of the business financial report and the wealth of accounting-based policymakers are Zeff (1978), Leftwich (2016), and Brüggemann *et al.* (2013).

In their research 'The Intended and Unintended Effects of Mandatory IFRS Adoption' (Brüggemann *et al.* 2013) they tried therefore to identify the economic implications which they believe to be undesirable whether they are or do not correspond to the targets set out in the ISA and IFRS framework. There are different perspectives on the consequences of the mandatory implementation of IFRS around the world. But, in a large number of the literature, the results have not been uniform. IFRS benefits, on the other hand, only materialize in specific circumstances. Therefore investigations might be discovered with mixed findings. The study's results may be divided into three categories in terms of significance. The first group comprises research that establishes favorable relationships with value significance and IFRS implementation (Cormier and Magnan 2016; García *et al.* 2016). The second category comprises research

in which the value of IFRS adoption is not augmented as improvements (Clarkson *et al.* 2011), or in which the relevance of the accounting number is reduced.

The third group contains research that reveals that the value of certain factors has improved, while the relevance of other variables has deteriorated (Chalmers *et al.* 2011). Despite the advantages described above, the IFRS continues to be of deep concern to SMEs, considering the possibility of exceeding the expected benefits at cost of adoption. Consequently, mixed reactions have continued to be expressed through debates on the elimination or softening of local reporting standards with IFRSs (Emmanuel *et al.* 2016). Furthermore, the authors Poroy and Sipahi (2007) note that the transition to IFRSs for SMEs will be difficult due to the low level of SMEs and the modifications between tax legislation and IFRSs for SMEs.

Regarding the advantages of admission to monetary markets (Riva and Salotti, 2015), SMEs tend to utilize internal resources rather than collect financing from banks. In addition, their analysis denies the statistical importance of accounting-related revelation linkages to the cost of borrowing. The query of whether the proposed IFRSs for SMEs will be appropriate for smaller units within the field of SMEs was raised by (Roberts and Sian 2006) in their research entitled 'Micro-Entity Financial Reporting: Perspectives of Preparers and Users'. Roberts and Sian (2006) caution that insufficient literacy, inadequate accounting training, and a lack of computerized accounting systems might undermine the capacity of these businesses in less developed economies to provide financial information under IFRSs.

Therefore, in the context of our study approach as well as the highlighted argument, we have put forward the main hypotheses on the necessity of reviewing the possibility of a conceivable re-classification in particular for micro-businesses. The hypotheses are as follows:

Ho: The need for the re-classification of KCRF necessities has a significant influence on the compulsory IFRS adaption and application requirements for SMEs.

Ha: The preferred re-classification of KCRF necessities has a significant influence on the compulsory IFRS adaption and application requirements for SMEs.

Since the numerous IFRS requirements for SME do not even apply to micro-entities, IASB has established, with the support of the team (SMEIG), a guide which sets out IFRS for SME, deprived of modifying any of the values for acknowledgment and quantity of assets and liabilities, earnings and expenses, and which are expected to be required for a typically microsize unit. Some changes to the expression are necessary to improve the design flow or for other reasons. Thus a possible modification or adaptation helps these units more easily identify the IFRS necessities for SMEs that are relevant to them. Several studies have focused particularly on the transitional stage of

adopting those established standards, which is linked to the shortage of IFRS knowledge, difficulties adapting policies to each country, the degree of sufficient education, training, and other areas. Therefore, the study conducted by Lantto (2014) based on the methodology used by Byrne and Pierce (2007) has found that an increase in requirements by the regulator may affect a reduction in the ability of accountants to get involved in the business. Furthermore, the study elaborates on how knowledge is created through continuing learning required by IFRS approval, which is possible through specialized associations to obtain adequate knowledge. Furthermore, the authors Uyar and Güngörmüş (2013) analyzing the adaptation of IFRS for SMEs in the context of Turkey, have developed a questionnaire based on the requirements of IFRS for SMEs to investigate the knowledge and perceptions of accountants. Their findings argue that most respondents are not properly informed about IFRS for SME issues.

The study also argues that the commitment and training of adequate personnel, and the lack of training programs by specialized structures, are considered one of the weaknesses for the implementation of these standards. Finally, the assessment of the perception by business owners regarding these requirements are considered a burden for business development, which is indirectly underlined by Uyar and Güngörmüş (2013), that business owners must recruit adequate staff and invest in ongoing training for IFRS.

RESEARCH APPROACH

The study's goal is to empirically evaluate the preparation of financial statements defined by KCFR for small and medium-sized businesses. To accomplish this goal, the study is designed from both a theoretical and empirical standpoint.

The empirical aspect is based on the primary data provided by the questionnaires, with the main goal of providing the most reliable information on the mandatory requirements of the KCFR on the one hand, and the possibility of reviewing a possible reclassification that will not be considered an additional barrier for SMEs. Data were collected between August and September 2020, when 229 questionnaires were distributed to SMEs in a random sample, and all responses were received. The respondents were asked to respond to the prepared questions using the five 'Likert Scale' points, beginning with 1 (strongly disagree), 2 (disagree), 3 (neutral), 4 (agree), and 5 (strongly agree). The responses received from each respondent were then checked for logic flow to adjust the request for further treatment in empirical terms. To achieve the most consistent results, we first performed the statistical summary, followed by correlation analysis, other necessary tests, and finally the ordinary probit regression to ensure that the empirical approach was appropriately chosen. The ordinary probit regression (OPR) empirical approach was used in the study to determine the level of importance of the parameters used in the analysis.

ECONOMETRIC ANALYSIS

Data and Sample

Data for 229 businesses were extracted from the official data of the Kosovo Business Registration Agency (KBRA)¹ in June 2020 to assess the impact of mandatory KCFR requirements. These data were then cross-checked against the list of Tax Administration of Kosovo (TAK) are they active businesses. To obtain a representative sample for Kosovo, the survey used random sampling classified with scaled groups. The research design and data fall under the subdivisions regulated by the current legal framework. In this survey, businesses are classified as micro-businesses, small and medium-sized businesses, and large businesses, using the 3 (three) criteria outlined in the law for accounting, financial reporting, and auditing. The research is designed in such a manner that the actual assessment of the implementation of these requirements, and even the possibility of reclassification of these requirements, can be made. Respondents were questioned about their knowledge of the financial reporting aspect, the degree of difficulty of their application, the competence of their staff, and the need for the KCFR to reclassify these mandatory requirements. Table 1 displays the research's stratified random description, including business classification, number, and percentage participation.

Table 1: A summary of sample stratification (Source: KBRA and TAK, 2020. Authors' Calculation)

Classification according to KCRF	Number	%
Micro-businesses with a turnover of up to 50,000 EUR	87	37.9
Micro-businesses with a turnover of up to 300,000 EUR	59	25.8
Micro-businesses with a turnover of over 300,000 EUR	43	18.8
Small and medium enterprises with a turnover of 300,000 - 700,000 EUR	29	12.2
Small and medium enterprises with a turnover of over 700,000 EUR	12	5.2
Total	229	100.0

Note: The sample was stratified according to the two in charge agencies, while business sorting is based on Law No. 06 / L-032.

Table 1 shows how the champion was stratified based on the degree of turnover of SMEs, revealing that 82.5 percent of the sample is concentrated in micro-businesses where the study is focused, with the remaining 17.5 percent being SMEs.

¹See the Kosovo Business Registration Agency report entitled 'Basic Performance Indicators Report on Business Registration in Kosovo June 2020'.

Variables

The dependent variable in this study is the assessment of the perception of professionals within the SMEs on the mandatory requirements set by the KCFR. Several questions were asked in the final section of the questionnaire to assess the dependent variable. The questions posed in the final section of the questionnaire included, were, e.g., the compliance to the KCFR standards besides preparing and reporting financial statements, the necessity for the possibility of reclassification of these requirements, do you have the adequate capacity within the firm to complete these requirements, is it a barrier for businesses these requirements according to the current classification, etc.

The study to achieve the set objectives has applied 5 (five) independent variables, the necessity of review for reclassification according to KCRF requirements, we prefer reclassification of requirements according to KCRF, expertise, and knowledge of accountants and auditors, continuing education in the context of ISA & IFRS, and business owners assessment, were measured using a 'Likert Scale' points ranging from 1 (strongly disagree), 2 (disagree), 3 (neutral), 4 (agree), and 5 (strongly agree), indicating the lowest and highest agreement with the instruments tested. However, some items can be deleted if they fail the reliability and validity tests.

Table 2: Variable and Statistics Description (Source: Authors' calculation)

Variables	Description	Obs.	Mean	St.dv.	Min.	Max.
<i>Dependent Variable</i>						
C_{KCFR}	Classification review by Kosovo Council for Financial Reporting - KCFR	229	1.21	.057	1	3
<i>Independent Variables</i>						
N_{KCFR}	Necessary reclassification review under KCFR	229	0.71	.156	0	1
P_{KCFR}	Preferred reclassification review under KCFR	229	0.59	.496	0	2
Exp_k	Experience knowledge of accountants and auditors	229	1.41	.068	1	4
Edu_c	Continuous education about KCFR & IFRS	229	1.13	.371	1	3
Own_a	Assessments of business owners	229	1.27	.054	1	4

Table 2 displays descriptive data for all factors employed in the analysis as requirements of IFRS for SME application. We find that statistically relevant variations occur among the test variables. From 229 observations made it turns out that the classification review by the Kosovo Council for Financial Reporting - KCFR has a mean value of 1.21, with a standard deviation of 0.6 percent. Considering that the two parameters that are at the basis of the study, the reclassification requirement of micro-businesses has a mean value of 0.71 compared to the preferred reclassification requirements, which have a mean value of 0.59. The initial result of this sample gives us

indications that the common of micro-businesses have expressed a possible reclassification on compliance with IFRS for SMEs. The other evaluation parameter which is considered a promoter of the implementation of IFRS for SMEs is the experience and knowledge available to accountants and auditors, which has a mean value of 1.41 or expressed differently by 4 respondents 1.41 of them argued that knowledge is necessary for the implementation of these standards. Education as an important component of knowledge acquisition had approximately the same results as the previous parameter with a mean value of 1,13 was shown, with a standard deviation of 37,1 percent. And thus, the variable assessment of the business by owners has resulted in a mean value of 1,27, with a standard deviation of 0,5%, based on the measuring perception of business owners.

Table 3: Correlation Analysis (Source: Authors' calculation)

	C_{KCFR}	N_{KCFR}	P_{KCFR}	D_p	W_s	L_s
C_{KCFR}	1.000					
N_{KCFR}	-.240**	1.000				
P_{KCFR}	.235**	-.597**	1.000			
Exp_k	.377**	.574**	.191**	1.000		
Edu_c	.109*	.312**	.160	-.159**	1.000	
Own_a	.267*	.239**	.281*	-.098	.518**	1.000

Note: **. Correlation is significant at the 0.01 level (2-tailed).

The output of the correlation matrix is presented in Table 3. The results show that the factors are unrelated, hence the problem of multi-collinearity among the independent factors is not present. The results show that the classification according to KCRF has a moderate association with the control parameters in the analysis. Significant positive association with 5 percent confidence level is reflected with preferred a possible classification by KCRF, personnel expertise, while negative correlation exists with the requirement for possible reclassification by KCRF. There is also a positive association with the parameter of continuing education and evaluation by business owners at a level of reliability of 10 percent. While other associations among control parameters are presented in the table in detail.

Empirical Model

To develop an empirical model to assess the impact of micro-business requirements on the possibility of reconsidering the reclassification of mandatory requirements based on the set of documents defined by the KCFR, the empirical approach must be carefully chosen. Furthermore, we adapted ordinary probit regression to account for the binary nature of micro-business requests for financial reporting as well as the possibility of reclassifying this request.

According to Cameron and Trivedi (2010), the evaluation takes into account the regressor's latent binary variable by changing the nature of the first-stage to a latent factors model similar to the probit. Assume Y_1 (Classification review by KCFR) is the dependent, and Y_2 is the independent (Necessary reclassification review under KCFR and other control factors). We introduce an unobserved latent variable, Y_2^* , which defines whether the $Y_2 = 1$ or 0. Formally, our model is represented as follows:

$$\Pr(Y = 1|X) = \varphi(X^T\beta) \quad (1)$$

P_r represents the possibility, as well as φ , reflects the standard distribution.

The likelihood approach is typically used to estimate β constraints. In the situation of latent constructs, moreover, the technique is as follows:

$$Y_i^* = X_i^T + \mu_i = \beta_0 + \beta_1 X_{i1} + \beta_2 X_{i2} + \dots + \beta_k X_{ik} + \varepsilon_i \quad (2)$$

$$Y_i = \begin{cases} 1 & \text{if } Y_i^* \geq \tau \\ 0 & \text{if } Y_i^* \leq \tau \end{cases} \quad (3)$$

Predicated on the formulas stated previously, the formula in our specific instance takes the form shown in equation number 4.

$$Y_i^* = CR_i^T + \mu_i = \beta_0 + \beta_1 NC_{i,1} + \beta_2 PC_{i,2} + \beta_3 EK_{i,3} + \beta_4 CE_{i,4} + \beta_5 ABO_{i,5} + \varepsilon_i \quad (4)$$

Where:

Y_i^* – a continuous real

– valued index variable for observation i that is unobservable, or a latent;

$X_i^T = (1 \ X_{i1} \ X_{i2} \ \dots \ X_{ik})$, a $1 * k$ row vector of regressor values for observation i ;

$\beta = (\beta_0, \beta_1, \beta_2, \dots, \beta_k)^T$, a $K * 1$ column vector of regression coefficients;

$X_i^T \beta$ – a $1 * 1$ scalar called the index function for observation i ;

μ_i – an iid $N(0, \sigma^2)$ random error term for observation i .

Econometric Findings

The research in the section on econometric results covers specific concerns with a logical flow based on the definition of the econometric model, its adequacy, the potential difficulties, and parameter evaluation. The purpose of the ordered probit regression is to examine the influence on KCRF classification review of the specified parameters. Table 4 displays the results of -2 log-likelihood, as well as goodness-of-fit, Pearson & Deviance on the stability of the model. Chi-square with coefficient 60,38 and probability $P = 0.000$ is the essential approach for the model appropriateness which offers evidence of the model's fitness. In addition, regarding the stability of the model, the goodness-of-fit evaluation reveals that the Deviance coefficient is 44.13 with probability $P = 0.336$, which also provides proof that the model is properly selected (Petrucchi 2009; Field 2018).

Table 4: Model Fit and Goodness-of-Fit Information (Source: Authors' calculation)

<i>Model Fitting Information</i>					<i>Goodness-of-Fit</i>			
Model	-2 Log Likelihood	Chi-square	df	Sig.		Chi-square	df	Sig.
Intercept only	130.445				Pearson	61.935	29	0.093
Final	70.061	60.384	9	0.000	Deviance	44.131	29	0.336

Link function: Probit

The characteristic of the regression models on the suitability of the most useful is R^2 , which in our study its role is played by Pseudo R Square which in essence explains the dependence of the explanation of the variable depending on the applied control constraints. In our concrete case, Pseudo R Square has a coefficient of .571, which means that the control variables explain 57.1 percent of the classification review by KCRF. However, there are not many accurate explanations for the interpretation of this outcome from an observed point of view (Osborne 2015; Stevens and Pituch 2016), and this finding itself presents a restrained dosage. The study applied Durbin-Watson assessments in terms of serial correlation, the test results show a coefficient of 1.971 meaning that the test is located in the defined interval and proves that data are not autocorrelated (Durbin and Watson 1971; Racine and Hyndman 2002).

The valuation parameters besides the level of their importance are analyzed after the analytical tests described above. From Table 5, it can be seen that out of the five parameters applied in ordered probit regression, three of them have a substantial impact on the dependent variable 'necessities for a possible reclassification under KCRF mandatory requirements for micro-businesses, while the two other parameters have turned out to be not significant.

Table 5: Parameter Estimates (Source: Authors' calculation)

		Estimate	Significance
<i>Threshold</i>	Classification review by Kosovo Council for Financial Reporting = 1	-2.289	.098
	Classification review by Kosovo Council for Financial Reporting = 2	-1.219	.199
	Classification review by Kosovo Council for Financial Reporting = 3	-.651	.360
	Classification review by Kosovo Council for Financial Reporting = 4	.568	.195
<i>Location</i>	Necessary reclassification review under KCFR	2.568	.060
	Preferred reclassification review under KCFR	-.781	.438
	Experience knowledge of accountants and auditors	2.024	.011
	Continuously education in relation to KCFR & IFRS	7.725	.000
	Assessments of business owners	5.314	.996
<i>Diagnostics</i>			
<i>Likelihood ratio test</i>		60.384	0.000
<i>Pseudo R-square</i>		.571	0.003
<i>Durbin-watson</i>		1.971	"-"
<i>N</i>		229	"-"

Link function: Probit. Note. (***), (**), (*) significant respectively at 1, 5, and 10 percent.

The study used the significance of 1, 5, and 10 percent to test the parameter confirmation. The findings of the reclassification review parameter required under the KCRF have an important influence on the existing framework of KCRF compulsory requirements currently applicable in Kosovo. The evaluation parameter necessary reclassification review under the KCRF coefficient is 2,568, meaning that any increase per unit of this parameter will have a direct influence on the reclassification requirements of 2,6 units, presuming that the remaining parameters remain constant.

Those results, therefore, confirm the basic hypothesis that the requests of micro-enterprises are legitimate and important, and that is strong evidence of the policy framework beginning to examine the needs for such enterprises. The examination of macroeconomic determinants for adaptation to small and micro businesses for EU Member States (Bonito and Pais 2018) included a sample of 84 respondents who adapted and who failed to comply with these requirements in advanced and emerging countries. The findings of this study argue that these outputs might be due to costs transactions, the importance of having some knowledge of IFRS reporting assumed its difficulty, and belonging to IFRS-based countries that facilitate the adoption of IFRSs for SMEs. In addition, they concluded that this standard was less likely to be accepted by Eurozone Members.

Based on these facts, then, the results of our study are fully consistent with Bonito and Pais (2018) arguments, and that micro-enterprises are necessary for a review of these criteria. Additionally, to compare the findings of the study have been confirmed by Perera and Chand (2015) by analyzing developed countries providing arguments that the package will have implications for the revision of IFRS for SMEs and will help in addressing future complications in the SME convergence process. Finally, in their study on the perception of the application of IFRS (Silva *et al.* 2021) argues that international accounting convergence de facto has not yet been reached in Portugal and Brazil, even after a period of seven to 8 years of adaption to those standards.

Moreover, the other two factors examined in this study include the experience of the accountants and the auditors, and the continuous education about IFRS for SMEs have shown significance for the implementation and adoption of those standards at 99,9 percent reliability. The study conducted by Sadikaj *et al.* (2020) reveals the substantial effect on adaption and application of such standard experience, a lack of guidance, and continuous education. The tests and verification of these hypotheses were done at a significant level of 95 percent were done via the ordered logit regression approach. In examining the advantages and drawbacks in the application of IFRS to SMEs (Ebaid 2021), it was discovered that the advantages are taken into consideration in terms of facilitating access to loans, facilitating credit rating, allowing for greater awareness, and interpretation. Whereas, in terms of difficulties, lack of adequate knowledge for IFRS and lack of training. It was concluded that the lack of appropriate resources and the lack of knowledge have a major influence on IFRS adoption for small and medium enterprises (Rodzani and Charles in 2016).

The results of our investigation are therefore fully consistent with the previous findings. The expertise of accountants and auditors has an important positive influence with a reliability of 1 percent on the dependent variable with the 2.024 coefficient, whereas ongoing training about IFRS for SMEs confirms the same positive level with a 7.725 coefficient. The parameters that have turned out to be insignificant are Preferred reclassification review under KCFR, and assessments of business owners as they have the value $P = 0.438$, respectively $P = 0.996$, and as such are insignificant in terms of their explanation.

LIMITATIONS OF THE STUDY

There are also limitations in the sample representation of this study, since our sample is only 229, focusing mainly on micro-enterprises, on one hand, and this sample on the other represents the data gathered by relevant stakeholders, which in some instances could be produced in the insincerely supplied information. The outcomes of the research as such may thus not differ from the real situation but may be seen as a view of the stakeholders participating in the investigation.

Moreover, when we deal with binary parameters, the empirical technique developed in this study is seen as more appropriate. The sole limitation of the probit models is that normal distributions are necessary for all unobserved utility components. In many, perhaps most situations, normal distributions provide an adequate representation of the random components. However, normal distributions are unsuitable in certain cases and might lead to perverse expectations.

CONCLUSION


Relying on empirical research by academics and researchers to date, who have analyzed specific countries, comparisons between the two countries, and panel countries on challenges and priorities during the so-called transitional phase of IFRS adaptation and implementation for SMEs.

For the countries of the Western Balkans and especially in the context of Kosovo, it is worth noting that there is a small amount of research. For this reason, this research can be considered as an advancement of the empirical literature in the Kosovo prospectus, and at the same time as an added value for researchers interested in this field. Thus, the research has applied qualitative and quantitative approaches, applying a sample stratified in 3 (three) subgroups, including 229 respondents who exercise their activity in SMEs and micro-businesses. To achieve the most stable results, ordered probit regression (OPR) has been applied, which is considered to be more appropriate when dealing with binary data (Petrucci 2009; Field 2018).

The main purpose of the research was to investigate the control parameters: micro-business necessities for a possible reclassification review of the criteria established by the KCRF; preferred requirements for a possible reclassification; experience of accountants and auditors; ongoing education for SMEs, and assessment by business owners. The econometric results argue that the requirements of SMEs, especially micro-businesses, the experience of accountants and auditors, as well as ongoing education on IFRS for SMEs have a significant impact on the standards applied and are considered as challenges for the development of these businesses. While the preference for a possible reclassification and evaluation according to business owners has turned out to be insignificant in adapting these requirements. One of the main drawbacks of these micro-businesses is that these requirements are an additional burden for their development, require the commitment of additional professional staff, and at the same time increase the financial cost. However, accountants and auditors also express their concern about the ongoing modifications of IFRS, which obliges them to have ongoing professional training to implement these IFRS for SMEs properly. Moreover, the situation created as a result of the Covid-19 pandemic has significantly influenced these categories to attend training and professional education in a physical way, which also presents an additional psychological burden.

Thus, future research should attempt to explore other factors that could influence SMEs and microbusinesses' perception of the IFRS and to increase the sample size to cover a larger number of samples.

Policy Implication

Based on this finding and the conclusion of the study, the following suggestions may be drawn: policymakers should give equal and better emphasis to the requirements set by the KCRF for SMEs, and especially for micro-businesses provided that these micro-businesses have the opportunity to develop, sustainable growth, increase the number of employees, and then compulsorily adapt to IFRS requirements. KCRF should pay more attention to these micro-businesses by offering them more flexibility, as they are quite burdened with the requirements of the Tax Administration of Kosovo. Thus, policies that drive the growth of these micro-businesses and the economy of Kosovo as a whole need to be promoted which will have effects on GDP. One of the main concerns, to improve the quality of financial reporting as defined, is the adoption of policies that will allow favorable environments, including the legal and judicial system, the financial system, taxes, labor relations, investment procedures, and customs administration should be encouraged. 

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THE ASSESSMENT OF FISCAL DEFICIT ON ECONOMIC GROWTH IN TRANSITION COUNTRIES OF SOUTH-EASTERN EUROPE

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Abstract: *The overall aim of this research is to observe the impact of fiscal deficit on economic growth in the transition economies of South-eastern Europe. The fixed-effects and dynamic linear regression were used to carry out this revision. The data used in this revision are quantitative data annually and cover the period 2005–2019. The outcomes detect that there is a confident and statistically important effect among the fiscal deficit and economic growth for the transition economies of Southeast Europe, supporting the Keynesian theory. Furthermore, the outcomes of this research show that public debt to GDP, foreign direct investment in GDP, exports, and imports in GDP have an important effect on economic growth. Findings have shown that public debt and imports have a positive influence on economic growth, unlike exports and foreign direct investment, which showed an adverse effect on economic growth. Moreover, for other additional factors, the inflation rate, the employment rate, and the real interest rate, the results of the study do not show any significant consequences on economic growth. The research also contributes in the macroeconomic aspect to the opening of discussions among the relevant stakeholders, including those coming from the policy-making area.*

Keywords: *Economic Growth; Fiscal Deficit; Panel Data; Fixed-Effects; Dynamic Linear Regression*

INTRODUCTION

A fiscal deficit occurs when a government spends more than it collects on taxes and other revenues in a given time. The impact of the fiscal deficit on economic growth is one of the most debated topics in all world economies. Keynes is the first to predict the importance of the fiscal deficit as an instrument of economic growth, in his General Theory (Keynes 1936).

Keynes proposed that the fiscal deficit could increase the recession. In a recession, private sector expenses fall, as well as savings rise, which in turn lead to unused resources. Government borrowing is one way of exploiting these unused savings and the 'start' of the economy. Deficit spending can help promote advanced growth, which will enable higher tax revenues to be generated and thus reduce the fiscal deficit over time (Navaratnam and Mayandy 2016).

As for the effects of fiscal deficit on economic growth, academic and empirical revisions showed a confident, adverse and neutral impact. Conferring to Abdullah *et al.*, (2018), the obvious differences in the findings are expected not only because of the stage of development in which each country is positioned but also the way the country addresses the problem of fiscal deficit financing. The issue is further important for developing economies than for the developed ones as they always have a targeted level of growth as part of their development policy. In addition to foreign assistance, it requires a steady growth in domestic spending from a government perspective to realize and maintain the targeted growth in those countries.

Although there are a large number of empirical studies inspecting the association between fiscal deficit and economic growth, little academic research has been conducted on the transition economies of Southeast Europe. Therefore, this study becomes necessary to better recognize the connection between fiscal deficit and economic growth for these countries, as little has been done in this regard. The overall purpose of this study is to examine the influence of fiscal deficit on economic growth in the transition countries of Southeastern Europe. To achieve this goal, the study has identified the following objectives: a) empirical research on the association between fiscal deficit and economic growth, and b) empirical research on the association among public debt, foreign direct investment, trade opening, employment rate, inflation rate, the real interest rate, and economic growth.

Research questions:

- How fiscal deficit affects economic growth?
- How do public debt, foreign direct investment, trade opening, employment rate, inflation rate, the real interest rate affect economic growth?

Research hypothesis:

- H_0 : There is a negative association between fiscal deficit and real GDP growth
- H_1 : There is a positive association between fiscal deficit and real GDP growth

The dependent variable in this research is the gross domestic product (GDP), an indicator of economic growth. Independent variables are fiscal deficit, public debt, foreign direct investment, trade opening, inflation rate, employment rate, and real

interest rate. Although the fiscal deficit variable is the focus of the study, other variables are also used to achieve better results. This study contributes to the fiscal plan literature by reviewing the association between fiscal deficit and economic growth from an empirical effort focused on transition countries in Southeast Europe. Fiscal deficit and economic growth are highly debated topics in developed and developing economies. Therefore, the need for this type of knowledge is of great importance, as one of the government's priorities is to inspire and promote a sustainable level of growth.

LITERATURE REVIEW

Theoretical Literature

On the impact of fiscal deficits on economic growth, there are three main schools of thought.

Keynesian Theory

According to Keynesian theory, fiscal deficits serve as a means of improving the economy and impacting social welfare. This approach argues that there is an adverse association between fiscal deficit and unemployment, as well as a confident link between fiscal deficit and real growth (Dritsakis and Stamatiou 2016). From the Keynesian perspective, government spending will have a multiplier effect on output and employment. Increased spending will grow total demand in the economy, which improves the profitability of domestic investment and leads to advanced investment. Overall, higher government spending will have a confident effect on the pace of economic growth (Ramu and Gayithri 2016). So, government spending is an important component of Aggregate Demand (AD) in the economy. Whenever AD falls short (through recessions), the government can raise spending, which in turn will increase the AD, and in turn, inspire the economy (Hussain and Haque 2017). According to Thornton (1990), the Keynesian view of deficit spending in the macroeconomy is that it may be able to reduce fluctuations in economic activity due to gaps between savings and investment caused by exogenous changes in investment. From this perspective, deficit spending was seen as both desirable and necessary to offset the cyclical fluctuations of economic activity that were characteristic of capitalist, free-market economies.

Neoclassical Theory

Conferring to Neoclassical theory, there is a negative association between fiscal deficits and economic growth. Fiscal deficits increase overall lifetime consumption by shifting taxes to subsequent generations. If economic resources are fully used, increased consumption necessarily means maintaining savings. Interest rates need to be raised to

bring equilibrium to equity markets. Thus, persistent deficits “crowd out” the accumulation of private capital (Bernheim 1989). Any intensification in government borrowing raises the interest rate, which negatively distresses private investment, which in turn affects the growth rate. High external borrowing to fill the investment gap negatively affects the exchange rate and the trading account, which again adversely affects the growth rate (Ramu and Gayithri 2016).

The Ricardian Equivalence Hypothesis

In the Ricardian perspective, fiscal deficits are seen as neutral in terms of their growing impact. Deficit budget financing comes only through tax deferrals (Mohanty 2012). Barro (1989) presented this reverse approach as the Ricardian Equivalence Hypothesis (REH). Ricardian equivalence, or Barro–Ricardo equivalence proposition, is an economic theory that advocates that government fiscal deficits do not distress the overall level of demand in an economy (Eigbiremolen *et al.* 2015). From a Ricardian perspective, a decline in administrative savings resulting from the fiscal deficit is offset by an increase in private savings, leaving national savings and, therefore, investment unchanged. In this case, there is no change in the real interest rate. Proponents of this view have confidence that a fiscal deficit represents future trade taxes for taxes today. That is, if the government spends more than it taxes today, it should tax more than it spends tomorrow. Once people understand this correlation, they will spend and save accordingly. As a result, the fiscal deficit has little or no impact on economic growth (Navaratnam and Mayandy 2016). Given the different roles of the above different approaches in the literature, some of the empirical studies in these areas are highlighted below.

Empirical Literature

Empirical studies that focused on the issue of fiscal deficit and their consequence on economic growth, showed a positive effect, a negative effect, or no effect in this relationship. Consistent with the Keynesian view, the positive effect of fiscal deficit on economic growth showed some of the empirical studies: Kryeziu and Hoxha (2021); Taylor *et al.* (2012); Akosah (2013); Adam and Bevan (2005); Abdullah *et al.* (2018); Ahmad *et al.* (2020) and Onwioduokit and Inam (2018).

Kryeziu and Hoxha (2021), using a panel data model for a period from 1995 to 2015, on the effect of fiscal deficit on economic growth for Eurozone economies, showed that the fiscal deficit to GDP ratio is statistically significant with a positive effect. Taylor *et al.* (2012), using quarterly data for the period 1961–2011 (first quarter), examined the relationship between primary fiscal deficit (total deficit minus interest payments), fiscal debt, output growth rate, and interest rates in the US. The econometric

results verified the countercyclical response of the primary deficit to growth and further showed that a higher deficit stimulates faster growth, with GDP growth.

Akosah (2013) examined the threshold effect of fiscal deficit on economic growth in the case of Ghana, using quarterly data from 2000-2012. The study found a long-term inverse relationship between fiscal deficit and economic growth, especially as deficits are often used to finance recurrent expenditures, suggesting that the high budget deficit, driven by recurrent expenditures, slows economic growth. In the short term, however, the author found that the fiscal deficit stimulated economic growth, but a deficit beyond the 4 percent of GDP threshold was found to be damaging to economic growth. Adam and Bevan (2005) examined the relationship between fiscal deficit and economic growth in 45 developing countries during the period 1970-1999. The findings show that a deficit threshold of 1.5% is essential for economic growth. Furthermore, there is evidence of gaining growth to reduce deficits at this level and the effects disappear within a fiscal regulation. Abdullah *et al.* (2018), including 40 years of time series data covering the period from 1975-1976 to 2014-2015, have examined the impact of the fiscal deficit on economic growth. The findings showed that the fiscal deficit would have a positive impact on economic growth as long as it is considered long-term, and since the error correction terms were insignificant, it is argued that the short-term dynamics between the fiscal deficit and economic growth for the Bangladeshi economy are missing. Threshold values that were calculated remained within the range of 4.5 to 5 percent of GDP. Any amount of spending that exceeds that level would have a disadvantageous effect on economic growth.

Using data from 1980 to 2017, Ahmad *et al.* (2020) examined the links between fiscal deficit and economic growth in Malaysia and applying the OLS model, the findings showed that the fiscal deficit has a positive influence on GDP and that a higher fiscal deficit stimulated the economy through the 1997-98 and 2008-09 economic crisis periods. Onwioduokit and Inam (2018) investigated the relationship between fiscal deficits and economic growth in Liberia using the OLS model, their results showed that there is a long-term relationship between fiscal deficit and economic growth, and there is also a positive and significant relationship between fiscal deficit and economic growth. Based on the authors' calculations, a 1 percent increase in deficits is associated with an increase of approximately 0.42 percent in economic growth.

Consistent with the Neoclassical view, the adverse effect of fiscal deficit on economic growth showed some of the empirical studies: Zoto and Berisha (2016); Todorova (2019); Bokemeier (2015); Tung (2018); Goher *et al.* (2012); Nkrumah *et al.* (2016). Zoto and Berisha (2016) analyzed the short-term and long-term impact of the fiscal deficit on economic growth in Albania for the period 1993-2014, using the Cointegration test and multiple regression, the results showed that the fiscal deficit harms economic growth. Todorova (2019) using econometric and comparative analysis between Bulgaria and other new Member States of the European Union (Cyprus, Czech

Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia, Romania, and Croatia, accepted in the EU during 2015) as well as the Balkan countries (Serbia, Turkey, Greece, North Macedonia), examined the effect of the public budget deficit/surplus on real economic growth. Findings from regression analysis showed that a high budget deficit leads to poor economic productivity and low economic growth. The fiscal deficit is negatively correlated with the real economic growth rate. Bokemeier (2015) found a negative correlation between the deficit ratio and economic growth, for the period from 1996 to 2012, for the eight selected European Union Member States in Central and Eastern Europe, which joined the European Union in 2004, this effect shows that it is stronger after EU accession than before.

Tung (2018) examined the effect of fiscal deficit on economic growth in Vietnam, applying the Error Correction model to the 2003-2016 quarterly data. Empirical results showed that the fiscal deficit harmed economic growth in both the short and long term. Moreover, the correlation analysis also noted that the fiscal deficit also has a damaging effect on several macro-variables in the econometric model including private investment, foreign direct investment, and net exports. Goher *et al.* (2012) include time-series considering the period 1978-2009, to investigate the influence of fiscal deficit on economic growth in Pakistan, applying regression analysis, the findings showed the adverse impact of fiscal deficit on economic growth. Nkrumah *et al.* (2016), used the Autoregressive Distributed Lag (ARDL) approach with trend analysis to assess the relationship between Ghana's fiscal deficit and economic growth from 2000 to 2015 with quarterly data. Econometric results showed a significant adverse effect of budget deficits on economic growth. Thus, a 100 percent increase in fiscal deficit, eventually, would lead to a 3 percent decline in real GDP, keeping all other factors constant.

Consistent with the Ricardian view, the neutral effect of fiscal deficit on economic growth was shown by some of the empirical studies: Andoni and Osmani (2017); Ocran (2011); Boldeanu and Ion (2015); Velnampy and Achchuthan (2013); and Wosowei (2013).

Andoni and Osmani (2017) assessed the association between inflation, growth, and fiscal deficits in Albania, using secondary data for the years 1993-2015. Applying the ARDL model, their results showed a negative relationship between inflation and growth, a positive relationship between inflation and deficit, but we did not find any relationship between fiscal deficit and growth. Ocran (2011) examined the effect of fiscal policy variables on economic growth in South Africa during the period 1990-2004. According to Ocran (2011), deficit size does not have any significant impact on growth outcomes. The econometric results of Boldeanu and Ion (2015) for the founding countries of the European Union in the period 2000-2011, showed that the fiscal deficit does not have any significant impact on economic growth in these developed countries. Velnampy and Achchuthan (2013) for the period 1970-2010 analyzed the impact of the fiscal deficit on economic growth from the perspective of Sri Lanka. The results revealed that there is no

significant impact of the fiscal deficit on economic growth. Additionally, there is no significant link between fiscal deficit and economic growth in Sri Lanka's economic outlook. Wosowei (2013) used the OLS model in estimating the relationship between fiscal deficits and macroeconomic performance during the period 1980-2010. Empirical findings showed that fiscal deficits in terms of their negative coefficients, did not significantly affect macroeconomic output within the study period, and that fiscal deficits do not contribute significantly to the overall performance of the economy. The result also shows a bilateral causal relationship between government deficit and GDP, government tax, and unemployment, while there is an independent relationship between government deficit and government spending and inflation.

RESEARCH METHODOLOGY AND DATA ANALYSIS

Data

A methodology consisting of secondary data for transition countries in Southeast Europe (SEE6) was used to conduct this study. The countries in question are Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Montenegro, and Serbia. The World Bank and the International Monetary Fund provided the unbalanced panel data. This material will use annual data for a period of 15 years (2005-2019) on GDP, fiscal deficit, public debt, foreign direct investment, trade opening (exports+imports), inflation rate, unemployment, and the real interest rate. The table below shows the definition and description of the selected variables.

Table 1: Data Definition and Description (Source: Authors' specification)

Abbreviations	Defining variables	Indicators expressed in %
GDP_Growth	Gross domestic product growth	Annual GDP growth rate (%)
FD_GDPrate	Fiscal Deficit to GDP	Annual FD to GDP rate (%)
PD_GDPrate	Public debt to GDP	Annual PD to GDP rate (%)
FDI_GDPrate	Foreign direct investment to GDP	Annual FDI to GDP rate (%)
EXP_GDPrate	Export to GDP	Annual EXP to GDP rate (%)
IMP_GDPrate	Import to GDP	Annual IMP to GDP rate (%)
INF_rate	Inflation rate	Annual INF rate (%)
EMP_rate	Employment rates	Annual EMP rate (%)
RI_rate	Real interest rate	Annual RI rate (%)

Model Specification

To analyze the links between the fiscal deficit and other independent variables in economic growth, two models were used in this study: Fixed effect and Dynamic Linear Regression. The fixed-effects are a statistical model in which the model parameters are fixed or nonrandom quantities. In a fixed-effects, each group average is a group-specific fixed amount. The fixed-effects (FE) are defined as

$$GDP_{it} = \alpha_i + \beta_1 X_{it} + \varepsilon_{it}$$

Based on the above identified variables, the equation is specified as follows:

$$GDP_{it} = \alpha_i + \beta_1 FD_GDPrate_{it} + \beta_2 PD_GDPrate_{it} + \beta_3 FDI_GDPrate_{it} + \beta_4 EXP_rate_{it} + \beta_5 IMP_rate_{it} + \beta_6 INF_rate_{it} + \beta_7 EMP_rate_{it} + \beta_8 RI_rate_{it} + \varepsilon_{it}$$

α_i ($i = 1 \dots n$) is the intercept for each country

GDP_{it} : is a Gross domestic product, i = country, and $t = 2005-2019$

X_{it} : is a vector of independent variables (fiscal deficit, public debt, foreign direct investment, export, import, inflation rate, employment rate, and real interest rate)

β_s : are the coefficients of the independent variables

ε_{it} : residual error estimation variable in period t

The general dynamic linear model can be written with the help of the observation equation and the model equation such as

$$Y_t = F_t^T \theta_t + v_t \quad v_t \sim N(0, V_t)$$

$$\theta_t = G_t \theta_{t-1} + \omega_t \quad \omega_t \sim N(0, W_t)$$

F_t^T is a row in the design matrix representing independent variables affecting Y_t .

G is the evolution matrix, capturing deterministic changes to θ , where $\theta_t \approx G\theta_{t-1}$.

V is the observational variant, $\text{Var}(\varepsilon)$ in ordinary least squares.

W is the evolution variance matrix, capturing random changes to θ , where $\theta_t = G\theta_{t-1} + \omega_t$, $\omega_t \sim N(0, W)$. The two parameters G and W make a linear model dynamic.

Based on the above-identified variables, the equation is specified as follows:

$$GDP_t = FD_GDPrate\theta_t + PD_GDPrate\theta_t + FDI_GDPrate\theta_t + EXP_rate\theta_t + IMP_rate\theta_t + INF_rate\theta_t + EMP_rate\theta_t + RI_rate\theta_t + v_t$$

EMPIRICAL FINDINGS AND DATA PRESENTATION

Panel data were evaluated using the fixed-effect model and the dynamic linear regression model through Stata software. The findings of the study show a positive impact of the fiscal deficit on economic and statistically significant growth.

Summary Statistics

Descriptive statistics for the variables used in the study are presented in Table 2. From this table, we can see that the average GDP growth rate in the SEE6 economy has been around 3.3 percent, with a minimum growth rate of -5.7 and a maximum growth rate of 8.8 percent, as well as a standard deviation of 2.50 percent. Alternatively, the ratio of deficit to GDP has an average of -2.27 percent, with a standard deviation of 2.75 percent, while the minimum values of -7.9 percent, to 7.3 percent maximum.

Table 2: Summary Statistics (Source: Authors' calculations)

	Obs	Min	Max	Mean	Standard Deviation	Variance
GDP_Growth	90	-5.7	8.8	3.29	2.50	6.26
FD_GDPrate	90	-7.9	7.3	-2.27	2.75	7.61
PD_GDPrat	90	5.2	79.3	41.48	19.64	385.8
FDI_GDPrate	90	0	37.2	6.81	5.57	31.07
EXP_GDPrate	90	11.2	62.2	34.55	10.29	105.99
IMP_GDPrate	90	39.6	92.8	56.5	9.28	86.23
INF_rate	90	-2.4	16.3	2.82	3.25	10.57
EMP_rate	90	22.4	53.4	38.66	7.42	55.11
RI_rate	90	-9.7	17.8	5.28	4.55	20.7

Analysis of Correlation

The purpose of correlation analysis is to reveal the significant association between independent and dependent factors. Table 3 presents the outcomes of the correlation analysis.

Table 3: Correlation Analysis (Source: Authors' calculations)

	GDP_Growth	FD_GDPrate	PD_GDPrate	FDI_GDPrate	EXP_GDPrate	IMP_GDPrate	INF_rate	EMP_rate	RI_rate
GDP_Growth	1								
FD_GDPrate	0.5009	1							
PD_GDPrate	-0.2118	-0.3964	1						
FDI_GDPrate	-0.0666	-0.0543	0.1357	1					
EXP_GDPrate	-0.1352	-0.0035	0.3588	-0.0092	1				
IMP_GDPrate	0.2208	0.2324	-0.1227	0.3149	0.6004	1			
INF_rate	0.1992	0.1992	-0.0632	0.1000	-0.083	-0.0284	1		
EMP_rate	-0.0803	-0.2878	-0.2878	0.1385	0.4427	-0.0449	0.1228	1	
RI_rate	-0.1006	-0.2309	-0.1486	0.0252	-0.3861	-0.1414	-0.5415	-0.3206	1

Table 3 reveals that the highest correlation (.500) is between the fiscal deficit and GDP growth, confirming an important positive association between the fiscal deficit and GDP growth rates. The second variable that shows a positive association in economic growth is the ratio of imports to GDP with a coefficient of (.220), followed by (.199) between the inflation rate and GDP growth. Referring to Table 3, other variables, the ratio of the public debt of (-.211) and the ratio of export (-.135) to GDP have shown a negative impact on economic growth. The lowest correlation was found to foreign direct investment (-.066) and the employment rate (-.080) to the economic growth rate.

Regression Outcomes

The results obtained from the fixed-effect data show that R-squared is equal to .433, indicating that the dependent variable is explained at the level of or 43.3 percent of the independent variables. Also in the fixed-effect examination, the F-test is equal to 9.66, which shows that all constants are less than <10, which gives us indications that the model is appropriate and adequate. Whereas in the second model dynamic linear regression is applied one-step results, in lag (1) as well as for the analysis of autocorrelation the art test (2) $\chi^2=182.7$ was used, with the value of $P<0.01$, which proves stability and sustainability of the model. Lastly, the Sergan test of overidentifying restrictions was applied, and the results indicate that overidentifying restrictions are valid.

Table 4: Regression Results (Source: Authors' calculations)

	Fixed Effect		Dynamic Linear Regression	
Variable	Coeff	P-Value	Coeff	P-Value
Constant	-2.317647	0.532	-2.906468	0.400
FD_GDPrate	0.424957	0.000	0.6048551	0.000
PD_GDPrate	0.0092271	0.762	0.0619469	0.038
FDI_GDPrate	-0.1760331	0.000	-0.1988107	0.000
EXP_GDPrate	-0.167397	0.004	-0.2549333	0.000
IMP_GDPrate	0.1967038	0.000	0.2738306	0.000
INF_rate	0.0426554	0.656	0.1065862	0.259
EMP_rate	0.0565143	0.511	-0.0030416	0.973
RI_rate	-0.0470903	0.551	-0.0938537	0.345
Observation	90		90	
R	0.5041		"_"	
R-squared	0.4336		"_"	
F-test	9.66		"_"	
Chi 2	"_"		182.7	P<0.01
Sergan Test	"_"		88.932	P=0.1299
Model	Fe model		Dynamic panel	

Dependent variable: GDP growth

Table 4 reports the regression outcomes using the fixed effect estimation and dynamic linear regression. The outcomes generated by both models show a positive impact of the fiscal deficit on economic growth and as well confirm the hypothesis that there is a positive association between the fiscal deficit and GDP growth. The findings of the study are consistent with the Keynesian view that the fiscal deficit positively affects economic growth. The study displays similar outcomes to previous works by different authors, such as Okelo *et al.* (2013), to investigate the association between fiscal deficits and economic growth using the OLS method and secondary time series data for a period of 38 years (1970-2007), argued positive associations between fiscal deficit and economic growth. Furthermore, Kryeziu and Durguti (2019), Ahmad *et al.* (2020), Kryeziu and Hoxha (2021) showed that the fiscal deficit has a confident influence on GDP.

The outcomes show that the impact of imports is positive ($P<0.01$) in both models, which is consistent with the study Hamdan (2016), the study analyzes the effect of exports and imports on economic growth in Arab countries during the period 1995 to 2013. The study found that imports have a positive effect on economic growth. Public debt ($P=0.762$) in the Fixed effect model and ($P=0.038$) in the Dynamic Linear Regression model, but with an insignificant value, also showed a positive impact on


economic growth. This result is consistent with Owusu-Nantwi and Erickson (2016) study investigated the long-term and short-term relationship between public debt and economic growth for the period 1970 to 2012. The results revealed a positive and significant long-term relationship between real GDP growth and public debt, showing that public debt contributed to economic growth in Ghana. In the short run, there is a two-way relationship between public debt and economic growth, which means that public debt causes economic growth and vice versa. Foreign direct investment ($P < 0.01$) in both models showed a negative impact. This result shows that the expansion of the level of foreign direct investment harms economic growth. The outcomes of this analysis are consistent with the results of Saqib *et al.* (2013) who researched the relationship between foreign direct investment and Pakistan's economic growth, from 1981 to 2010. They found that Pakistan's economic performance is negatively affected by foreign direct investment. The explanatory variable exports to GDP applied in the model, based on the results achieved show a negative impact ($P = 0.004$) on the fixed-effect and ($P < 0.01$) on the Dynamic Linear Regression. This outcome shows that the increase in export levels is associated with a negative impact on economic growth, and this result is also consistent with the study of Durguti *et al.* (2020) which analyzes the assessment of economic indicators for the Western Balkans for the period 2001-2017 and found that exports have a negative impact and do not support economic growth. For the other additional variables, inflation rate, employment rate, and real interest rate applied in the Fixed effect and the Dynamic Linear Regression, the result does not show any significant impact on economic growth.

CONCLUSION

The aim of this research strove to examine the relationship of the fiscal deficit on economic growth in the transition countries of Southeastern Europe. Using data from 2005 to 2019, the study uses the fixed effects model and the dynamic linear regression model to investigate the impact of fiscal deficit and other explanatory variables (public debt, foreign direct investment, trade opening, inflation rate, employment rate, and real interest rate) in economic growth. The study provides an empirical test on the relationship between the budget deficit and economic growth for the transition countries of Southeast Europe, analyzed from two aspects: a theoretical and empirical perspective. The results from the application of both models reveal that there is a positive and significant relationship between fiscal deficit and economic growth, supporting the Keynesian theory, that the fiscal deficit produces positive impacts on the economy as a whole promoting economic growth.

This resulting study that public debt to GDP, foreign direct investment in GDP, exports, and imports in GDP have a significant effect on economic growth. Findings have shown that public debt and imports have a positive impact on economic growth, unlike

exports and foreign direct investment, which showed a negative impact on economic growth. Furthermore, for other additional variables, inflation rate, employment rate, and real interest rate, the study result does not show any significant impact on economic growth. This study contributes to the policy dilemma by examining the impact of the fiscal deficit on economic growth for the transition countries of Southeast Europe. Therefore, the empirical results obtained in this study will serve as an extension and supplement to the already existing literature and will be important for policymakers in structuring and using effective fiscal policies in the economy.

Finally, although this study has provided ample evidence in support of the proposition that the fiscal deficit has a positive relationship with economic growth for the transition countries of Southeast Europe, it is nevertheless necessary that the level of deficits should be controlled by governments, because high fiscal deficit, eventually, can harm economic growth and other macroeconomic variables. Thus, the government must move toward the fiscal deficit to the point where the fiscal deficit positively affects economic growth. 

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THE E-TOURISM BEYOND COVID-19: A CALL FOR TECHNOLOGICAL TRANSFORMATION

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Abstract: *The upsurge of Covid-19 changed lifestyles and hit almost every sector. The tourism sector is one of the most affected sectors due to social distancing, ban on crowding, restrictions to visit public places, and grounded airplanes. The study proposed a shift to e-tourism until the Covid-19 get fully curbed. Therefore, this study aims to focus on the tourist's experiences in Thailand during the Covid-19 pandemic. The study provides insight with the support of literature to help practitioners and researchers to understand, manage, and improve the tourism industry and induce technological transformation to curb the impact of the outbreak. The paper proposes a way to turn Covid-19 into a transformational opportunity. The study used Smart PLS software for analysis and data was collected from the tourist who had intentions to visit Thailand and the ones already in Thailand. The study fills the gap of the call for a transformation of e-tourism and explains the impact of the pandemic on the industry. The study presents the theoretical and practical implications to promote the tourism industry and the transformation of the technology in the Covid-19 pandemic.*

Keywords: *Visual Tourism; Covid-19; Tourism Site; E-Tourism; Technological Transformation*

INTRODUCTION

The government of China reported to World Health Organization (WHO) on December 31, 2019, about Covid-19, and WHO declared it a global pandemic on March 11, 2020 (WHO 2020). In a few months, the Covid-19 virus was declared a global disaster with a profound influence on economic, political, and social systems (Gretzel *et al.* 2020).

When negative effects of Covid-19 upsurge then the governments put bans at the global, regional, and national levels, imposed travel restrictions, stay home orders, mandatory quarantine, and other business-related restrictions at multiple levels of market and organizations (Gössling, Scott, and Hall 2020). It resulted in ceased traveling, tourism, aviation sector, and the hospitality industry related business had to shut down their operations. Although a few countries gradually opened their borders still the conditions are generally uncertain due to viral transmissions, lack of medical treatments, and effective vaccinations.

This pandemic hit the tourism sector all over the world, but ASEAN countries got harder hit as they are mainly dependent on tourism. Among the ASEAN countries, Thailand is the second-largest economy and top tourist destination. As per the Thai government, the reported figure of tourists in Thailand is 4.1 million, it is increased 8% to 38.3 million from 2018 to 2019, which generated revenue by THB3000 billion, its highest fourth-ranked in World (Bloomberg Businessweek 2019). After that situation gone worse due to the upsurge of Covid-19. The Covid-19 impacted the global economy and affected the tourism industry in Thailand. It is mentioned by the International Monetary Fund (IMF) that Thailand's economy is shrinking by 6.7% in the year 2020 (UDN 2020). The raise of COVID-19 caused complex problems than any other outbreak in modern history from a social and economic perspective (Bhimraj *et al.* 2020). Now it is unsure how tourists would respond and recuperate from the disasters and how to share the travel, tourism, and social events. Therefore, the study is conducted and the finding of the study would bring answers to these major challenges for the tourism industry (Gössling *et al.* 2020; Hall *et al.* 2020; Higgins-Desbiolles 2020; Jamal and Budke 2020).

The review of the literature revealed that the technological role got a sudden boost as social distancing orders shifted everyone to digital platforms. The emergence of the internet in the business and proliferation of information technology become a significant source of information for tourists during the pandemic (Verciner en Klein 1999). Information technology is increasingly involved in tourism and providing solutions to related business as it is important to involve the tourism-related business such as hotels and transport for the success of the tourism industry (Benckendorf *et al.* 2019; Verthner *et al.* 2015; Xiang 2018). During the pandemic, information technology facilitated the tourists to curb the problems that could arise in daily lives, with their work, travel, recreational activities, and business. Technology has played an important role to ease tourism and facilitating the tourists (Hall *et al.* 2017). With the help of technology, the global transmission issues such as tourist inspections, cases, and contact assessments, online learning are also mitigated. Moreover, an issue of catastrophe due to the increased public interest was also identified. It includes fangled digital gap, vulnerabilities, privacy, misinformation, moral and ethical concerns caused serious points to consider by all electronic travel series (Werthner *et al.* 2015). However, e-tourism

showed up as a research initiative that enhances the knowledge and thinking skills and provides information about the technological advancement about the key issues of tourists (Xiang *et al.* 2021). After the introduction of information technology in tourism, the e-tourism segment is coming up with new trends that are emerging of brands in real and with a surprising long-term outlook of change through integration of technology. Moreover, it is found that e tourism brought challenging tasks and thrilling opportunities from the perspective of the technological revolution.

As Covid-19 changed society and trends which provided a boost to the tourism industry. Moreover, it offers the opportunity and the responsibility to think critically about e-tourism and the capacity to introduce technological transformations. Based on the discussion, the first objective of this study is to investigate the impact of the usefulness of visual tourism which is proposed to have a positive effect on the tendency to visit the actual tourism site. The second objective of the study is to examine the ease of visual tourism which is proposed to have a positive effect on the tendency to visit the actual tourism site. The third objective of the study is to inspect the impact of e-tourism which is proposed to have a positive effect on the tendency to visit the actual tourism site. Furthermore, e-tourism proposed to mediate between usefulness and ease of the visual tourism and tendency to visit the actual tourism site. This study provides inputs in tourism literature and highlights the role of information technology in tourism. Mankind is unsure about the ending time of Covid-19; however, it calls to researchers and practitioners to look for challenges, risks, opportunities, and how e-tourism could be shaped.

THE LITERATURE REVIEW

Tendency to Visit the Tourism Place

The perception of travelers is a crucial factor to promote any tourist place because they impact the revisit intentions of fellow tourists (Ahmed 1991), utilization of merchandise and enterprises while on vacation, and choosing to return (Stevens 1992). Most tourists have encounters with other objections, and their discernments are affected by comparisons among amenities, attractions, and services guidelines (Laws 1995). The empirical and theoretical articles concerning client satisfaction (CS) and administration quality, both their tendency and the most effective method to gauge them, proliferate inside the new advertising literature (Hui, Wan, and Ho 2007). Destination Management Organizations (DMOs), as a section of online advertising administrations, contribute extensive sums of time and cash in the advancement of sites (Park, Gretzel, and Sirakaya-Turk 2007). Destination Management Organizations (DMOs) give sightseers different travel data like pictures of touring and social or recorded attractions to provoke them to travel the intention by creating easy-to-use sites (Raza *et*

al. 2020). The information given by DMOs is extensively solid and trustful as compared to the User Generated Content (UGC) that is given with a mixture of beginner, semi-proficient, what are more, proficient substances. It is readily controlled or manhandled (Ayeh, Au, and Law 2013). The way that the authority site was made by the Korea Tourism Organization (KTO) had more than 100 million guests in 2013. It means that the objective site fills in as a real data hotspot for the possible vacationers to think about Korea as a traveler location and demonstrates that Korea has been effectively situated as an understanding of the travel industry location. As the Internet has become effectively available media, the potential vacationers will, in general, decide their movement location by the data or pictures of the publicizing site (Wang *et al.* 2009). Information, specifically, has assumed a part of forming objective pictures (Chung *et al.* 2015). Mridula (2009) found that sightseers are not just a recipient of objective picture data, yet effectively build and offer their pictures through the Internet. Extensively, the picture references convictions and impressions emerging from information handling, which brings about an inside acknowledged psychological build of an item (Choi, Lehto, and O'Leary 2007).

As per Voorveld *et al.* (2012), customers' behavioral reactions to online brands are impacted with three variables including the qualities of the brand's website, clients' mental states while exploring the website, and clients' inward reactions to the website. Few studies have been investigated the utilization of these three elements with online brand encounters through sites.

To start with, Morgan-Thomas and Veloutsou (2013) and Lee *et al.* (2014) the experience of online brand depend on clients' evaluations of brand qualities on the website (its intelligence, quantity of data, and convenience). Notwithstanding, this consideration prompts estimation clashes with other grounded develops in the promoting field, like online quality assistance, since things utilized by Morgan-Thomas and Veloutsou (2013) and Lee and Jeong (2014) are unclear from those who used to quantify the nature of the web services (Hornig *et al.* 2012). In this manner, changes are expected to separate the online brand insight and online services quality.

Second, factors like association, seen intelligence, and stream status are utilized to assess clients' mental states while exploring brands' sites. The degree of site association, which is resolved depends on the interest that appeared in a brand, directly impacts clients' behavioral reactions to the site and the brand (Jimenez-Barreto *et al.* 2019). An undeniable degree of saw intelligence, characterized as the mental condition of a webpage client during online communication, is connected to a good assessment of the site and brand (Li, Wu, and Cai 2008). Stream alludes to the psychological condition of a client who is completely drenched in exploring the site (Novak, Hoffman, and Yung 2000). A few examinations have demonstrated an immediate connection between a client's stream state and fulfillment with online buys (Rose *et al.* 2012).

Third, clients' inward reactions to brands' sites have been utilized to characterize the online brand insight. A few examinations (Bleier, De Keyser, and Verleye 2018) adjusted work to the online area to assess and approve the accompanying on the experience of online brand measurements: tangible (online brand-related boosts that seen through the facilities), conduct (substantial encounters and engine activities got with the contact of an online brand), scholarly/psychological (contemplations and innovative incitements evoked by the online brand), and full of feeling (the subject's feelings and sentiments concerning the online brand). Therefore, these examinations presumed that, inside the perspective of brand sites, an ideal online brand experience would influence clients' trust and fulfillment with the brand and encourage buy aims (Bleier, De Keyser, and Verleye 2018).

Inside the traveler destinations context, just (Jimenez-Barreto *et al.* 2019) embraced the fourth portion of brand insight measurements (tangible and scholarly) created by Brakus *et al.* (2009) to investigate official destinations sites capacity to cultivate clients' expectations to constantly visit and suggest the objective. By and by, past investigations receiving an alternate hypothetical point of view (Zhang, Wu, and Buhalis 2018) estimated the brand experience worldview to break down online vacationer encounters on official destinations sites. In the first place, following the tactile and scholarly measurements of the brand insight, W. Lee and Gretzel (2012) tracked down that the visual-text based tangible boosts of an authority destination site can help animate clients' psychological cycles, which may advance into positive reactions to the site and destination. Second, following Brakus *et al.* (2009) meaning of the emotional brand insight, Zhang *et al.* (2018) proposed estimation of passionate experience suggested by a destination, while clients explore the destination's site and web-based media. For this situation, the passionate destination experience comprises of clients' apparent delight and energy identified with interfacing with a destination on the web (Raza, Salleh, and Shaari 2019).

Comparatively, for the Spanish and North American customers, the famous online media stages (by many clients) are Instagram, Twitter, and Facebook (IAB 2017; Statista 2018). Hence, the scientists thought of it as proper to utilize online visual situations that contain these three web-based media stages just as the authority destination site for photograph elicitation. The genuine pictures introduced were utilized instead of the online route, as this methodology permitted the analysts to control the boosts shown to the members (Jimenez-Barreto *et al.* 2019).

The Usefulness of the Visual Tourism

The augmented reality (AR) is a representation method that combines different sight and sound data with a genuine view (Kounavis, Kasimati, and Zamani 2012). Most augmented reality frameworks fortify the contiguity of reality by superimposing virtual

data appropriate to actual items and spaces (Azuma, Billinghurst, and Klinker 2011). Subsequently, the augmented reality supports vision about the world through overlaying the virtual items. According to this present reality, it appears that the virtual object is important for the genuine climate in the client's perspective (Steven, Castley, and Buckley 2013). Later improvements in portable registering, remote, and PC illustrations innovations have considered the quick development of augmented reality applications on cell phones (Yovcheva, Buhalis, and Gatzidis 2012).

In light of these capacities, augmented reality uses spatiotemporal contiguity that shows up in regions like instruction, clinical science, and engineering (Chung, Han, and Joun 2015). The augmented reality is especially identified with the travel industry area since it is an instrument for upgrading clients' encounters (Jung, Chung, and Leue 2015). For instance, augmented reality innovations are acquiring incredible significance in the virtual reconstructing of verifiable landmarks, making different custodians, archeologists or history specialists replicate nearby verifiable encounters (Han, Jung, and Gibson 2013). So that, the application of Google Maps can determine the specific area and name. Likewise, augmented reality innovation has been applied in assorted cell phones for use in independent visits including grounds route framework (Chou and ChanLin 2012). In the travel industry, the use of augmented reality is viable and helps travelers to better comprehend their present climate. Moreover, the fundamental benefit is that sightseers can see flimsy information according to their interest that is set in a situation (Yovcheva, Buhalis, and Gatzidis 2012).

According to these applications, a few examinations explore the augmented reality also in the situation of the travel industry (Han *et al.* 2013; Kounavis *et al.* 2012). In a study, Kounavis (2012) clarified an intelligent representation framework dependent on augmented reality innovation in the context of the travel industry and highlighted that augmented reality outwardly reinforces the genuine world. Yovcheva *et al.* (2012) introduced an outline of cell phone augmented reality for the travel industry and focused on plan angles like the interface, presentations, and perceptions. Yovcheva *et al.* (2013) recognized the augmented reality is the mode for traveler knowledge and built the hypothetical commitments to differentiating highlights to increased travel industry encounters regarding augmented reality use. As per Casella and Coelho (2013), the augmented reality versatile applications are helpful innovations to understand the social legacy of the travel industry. In another study, Han *et al.* (2013) attempted to comprehend metropolitan legacy in the travel industry too. Based on the arguments, following hypothesis proposed.

H1: The usefulness of visual tourism has a positive effect on the tendency to visit the actual tourism site.

Ease of Using the Visual Tourism

The augmented reality usage is yet another problem in a travel industrial situation since augmented reality has not culminated (Han *et al.* 2013). The studies that looked into augmented reality in the travel business area occasionally considered why people use augmented reality or the effects of its use on traveler objections. Most of the studies identified with its acknowledgment considered the person (individual), innovation explicit (improvement), and situational factors that are significant in tolerating innovation (Liu, Tzeng, and Lee 2012).

The augmented reality acknowledgment at vacationer locations can be perceived to be dependent on mentioned variables. In the first place, as far as people who utilize the most recent innovation like augmented reality, people may dodge the most recent innovation because they are not used to it (Oh *et al.* 2014). Besides, augmented reality is an innovation with vigorous visual improvements qualities (Cranmer, tom Dieck, and Fountoulaki 2020), individuals can't use it if they are not attracted toward the visual (Prideaux, Laws, and Faulkner 2003).

Furthermore, Oh *et al.* (2007) explored the stylish component of involvement represented the most fluctuation in the model anticipating. The outcome shows that the stylish experience impacts the traveler's excitement, memory, and fulfillment about the travel industry experience. Accordingly, the visual allure of innovation is a significant forerunner of the utilization of innovation. Seen visual allure is another build characterized in the literature as to how a tourist feels that the site is tastefully satisfying to the eye (Prideaux, Laws, and Faulkner 2003). Since the augmented reality is a representation procedure that blends different media data with a genuine view, the visual allure is liable to build impact on the utilization of augmented reality.

Consequently, a visual allure is an essential determinant of guests' convictions and perspectives. At last, if travelers have gadgets to use the augmented reality innovation they can use easily the augmented reality applications in their mobiles, or helped with using the augmented reality along with lines that support its utilization (Chen *et al.* 2014). Subsequently, to encourage full utilization of AR in a travel industry setting, this examination means to think about the utilization of augmented reality and its consequences for the expectation to visit the destination. Based on the discussion, the following hypothesis is proposed.

H2: Ease of using visual tourism has a positive effect on the tendency to visit the actual tourism site.

Neidhardt & Werthner (2018) describe the e-tourism field as incorporating the “examination, plan, execution and use of IT/internet business arrangements in the movement and the travel industry, just as the examination (of the effect) of the individual specialized/monetary cycles and market structures”. This definition portrays the current examination streams inside the field, particularly inside the information innovation and tourism diary (Y. Wang and Davidson 2010).

In the first, the idea of IT addresses a specific instrumental perspective on innovation as an apparatus that helps organizations. Second, it stresses miniature and meso-level viewpoints while overlooking large-scale level inquiries in regards to the frameworks and administration moves toward that advance, encourage and direct specific sorts of innovations. However, it effectively has been scrutinized by Gretzel *et al.* (2015), who underlines the need to examine e-tourism among all five known tiers, from people to government/strategy issues, like morals and manageability. Third, this definition of e-tourism features that e-tourism research so far has been firmly established in a traditional as opposed to a post-advanced, humanist worldview. Individuals are defined and concentrated as consumers, clients, or information sources instead of affective individuals implanted and typified in physical and virtual networks and places. Like the organizations that give and use advances, they are regularly conceptualized as beneficiaries of technological ‘solutions’ and, along these lines, willing to be members in e-tourism. Innovation as such is viewed as guaranteed or something that ought to be improved instead of addressed.

E-tourism as a subject of the scientific request is a dynamic field that has infiltrated standard travel industry research and is proceeding to consider software engineering and designing researchers looking for application regions. In any case, the latest review papers confirmed that while the specific advances concentrated continually evolve, the research streams inside e-tourism have remained strikingly steady (Law *et al.* 2019; Gretzel *et al.* 2020). What can be seen throughout e-tourism research improvement is the development of center territories and exploration movement groups that compare to technological advances, similar to Web 2.0, large information, computer-generated reality, and brilliant innovations (Buhalis 2019). Normally, Covid-19 related innovation improvement and execution will spike comparable barges in e-tourism research.

From various perspectives, e-tourism research has not been affected by the emergency. While actual the travel industry has arrived at a stop, previous and potential travelers have been occupied with ruminating about past stumbles via online media by sharing excursion recollections and dreaming about the future path on objective or travel service sites. Historical centers have opened virtual ways to their presentations and exhausted would-be sightseers stuck in isolation are flocking to these and other

virtual encounters. Frustrated vacationers abandoned on trips or at home have been utilizing sites and versatile applications to drop the excursions and submit questions. Occupants talk about whether they are charmed or crushed about the vanishing of sightseers from their networks and pictures of the positive effects on nature of the unexpected vanishing of vacationers from an area of interest like Venice became famous online.

Airbnb has now offered virtual encounters, web-based media venture out influencers keep on creating substance for their crowds, and the travel industry suppliers utilize a huge number of online channels to keep up client connections and console future vacationers. Simultaneously, the travel industry suppliers and their exchange affiliations are taking part in online activism to uncover their reliance on worldwide online stages. These intensified or innovative use situations make a plentitude of information for e-tourism research. Therefore, the following hypothesis is proposed.

H3: E-tourism has a positive effect on the tendency to visit the actual tourism site.

H4: E-tourism has a mediating role between the usefulness of visual tourism and the tendency to visit the actual tourism site.

H5: E-tourism has a mediating role between ease of using visual tourism and the tendency to visit the actual tourism site.

Technology Acceptance Model

Normally, different investigations have been broadly directed by applying a TAM identified with clients' acknowledgment of IT (Cheng and Cho 2011; Su and Teo 2009; Lim and Cooper 2009; Kim, Lee, and Law 2008; Chung *et al.* 2015). The TAM clarifies individuals' acknowledgment of innovation established in the principle of contemplated activity (TRA) (Davis 1989). However, the TAM recommends two significant beliefs: the usefulness of visual tourism and the ease of using visual tourism and empowers these beliefs to shape singular perspectives, including the behavior to build aim to utilize the innovation and cause behavior (Davis 1989). Along with this, the Technology Acceptance Model is assessed as a predominant model as far as compactness and consistency in numerous fields. Specifically, the TAM recognizes different outer factors (e.g., foundational, individual, situational, social attributes, etc.) as an element influencing the two beliefs in numerous current examinations (such as, tendency to visit the actual tourism site (Phatthana and Mat 2011; Matikiti, Mpinganjira, and Roberts-Lombard 2018; Go, Kang, and Suh 2020; Goh and Wen 2020). The motivation behind this exploration is to depict acknowledgment of another innovation, for example, the tendency to visit the actual tourism site and visiting aim for guests who use visual

tourism as a legacy objective. Accordingly, this examination expects to clarify guests' acknowledgment of visual tourism dependent on the TAM. Besides, as expressed over, the examination recognizes the individual (TR), improvement (visual allure), and situational (working with conditions) perspectives influencing the tendency to visit the actual tourism site. Subsequently, this investigation thinks about TR, visual allure, and working with conditions as key variables impacting guests' beliefs, perspectives, utilization goal with AR, and an objective visit aim dependent on the TAM.

Technology Readiness and Acceptance Model

As a new technology, for example, e-tourism influences not exclusively customers' practices yet additionally society overall. Since new technology is very revolutionary (Garcia and Calantone 2002), those unfit to find new technology are awkward and are not set up to effectively use it. At last, they attempt to keep away from new technology (Lin and Hsieh 2007).

Regarding the essentialness of new technology, customers' mentality, i.e., regardless of whether they acknowledge new advances, is developing revenue to the travel industry associations and objective showcasing associations (DMOs) using new technology. Consequently, different investigations endeavored to comprehend customers' innovation preparation (TR) and successfully foresee customers' practices (Parasuraman 2000).

TR is "individuals inclination to embrace and utilize new advancements for achieving objectives in home life and at work" (Parasuraman 2000). This development also alludes to a general perspective on mental empowering influences and inhibitors as determinants of an innovation client's inclination. Parasuraman (2000) created good faith, imaginativeness, uneasiness, and frailty as measurements in estimating individuals' general convictions about innovation (i.e., TR). These measurements influence the utilization of another innovation. People with undeniable degrees of idealism have a receptive outlook to the innovation furthermore, are bound to acknowledge it (Walczuch, Lemmink, and Streukens 2007). Individuals who favor advancement demonstrate an inclination to be early adopters and just to consider another innovation (Karahanna, Straub, and Chervany 1999). Be that as it may, individuals who are awkward concerning innovation tend to feel it is as well muddled, prompting a lower level of utilization (Walczuch *et al.* 2007). Moreover, individuals with a high score on uncertainty have a natural dread about innovation and try not to utilize an innovation (Kwon and Chidambaram 2000). So, idealism and ingenuity empower influences the use of new technology, though uncertainty and inconvenience (Parasuraman 2000). Individuals have positive and negative insights about innovation; the overall belief continuum for innovation went from an unequivocally sure to an emphatically negative demeanor toward the innovation (Lin, Shih, and Sher 2007).

A few scholastic examinations have inspected this belief continuum dependent on the elements of TR proposed by (Parasuraman 2000). For now, the combination of TR (Technology Readiness) and TAM (Technology Acceptance Model) is the Technology Readiness and Acceptance Model (TRAM). This model is integrated to enlighten the intention of consumers well to use e-services. Previously, studies examine that TR is only implemented on online behaviors and online services quality, but these empirical researches have not been sufficient and consistent (Chiu and Cho 2020). For now, the TAM was intended to clarify the behavior of technology acceptance in a required situation. Consequently, the TAM is hard to use to clarify customers' technology acceptance whether they are co-producers or high-inclusion clients (Lin *et al.* 2007).

Later, introduced the extension of TAM to TR based on individual differences to personal differences (Lin *et al.* 2007). However, they developed the TRAM, an extensive framework with a combination of TAM and TR, to better understand the adoption of e-services for consumers. Grounded on prior experiences and knowledge of consumers related to technology could affect the consumer's perception and behavior toward new technology (Lin *et al.* 2007). So, TR is the opinion of general technology, and TAM is the conviction for a specific system (Lin *et al.* 2007). Therefore, this is a reason the number of studies examined the TRAM (Lin and Chang, 2011; Lin *et al.* 2007; Oh *et al.* 2014).

For example, Lin *et al.* (2007) developed the TRAM in Taiwan's online stock trading system and empirically tested it. Further, the study was conducted on the adoption of self-service technologies (Lin and Chang 2011). In addition, they investigated the actual use of the website using the TRAM in Thailand (Oh *et al.* 2014).

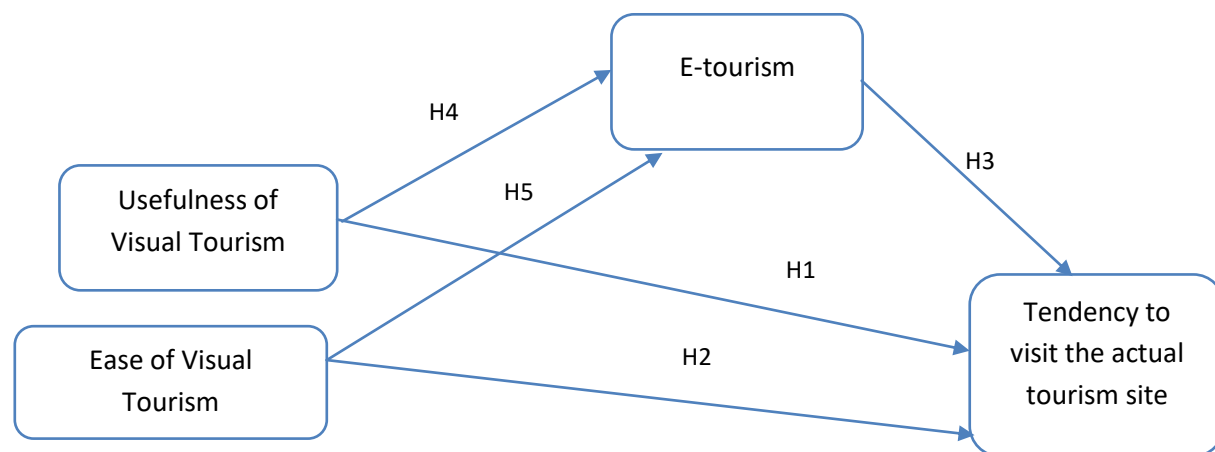


Figure 1: Conceptual Model (Source: Authors' depiction)

METHODOLOGY

The study presents a quantitative methodology. As per the study, Creswell (2014) demonstrated that the quantitative method is a methodology that has its philosophical suppositions just as techniques for request. This study adopted the positivism philosophy with the use of the quantitative method. The data was collected from existing and potential tourists of Thailand. The study picks an appropriate sample size for the investigation (Bell and Bryman 2007). The study selected the non-probability testing strategy, permitting a simple method of choosing more respondents to be chosen within the shortest conceivable time (Birks and Malhotra 2006).

The study has chosen purposive sampling and the investigation members' were selected based on the measures or motivation of the examination. In this study measurement scale of variables is adopted by (Goodall 1988; Murphy 2013; Chung, Han, and Joun 2015). The questionnaires were distributed to the 500 tourists and the study received 319 questionnaires back. A total of 289 usable questionnaires were further processed after the deletion of incomplete questionnaires and outliers.

DATA ANALYSIS AND DISCUSSION

In this study Partial least squared structural equation modeling (PLS-SEM) was used for data analysis. The PLS-SEM is appropriate software to handle the non-normal and complex data (Hair *et al.* 2017). In this study, the PLS-SEM was carried out by running the PLS algorithm, bootstrapping technique, and blindfolding (Ringle, Da Silva, and Bido 2015).

Table 1 shows that the demographics. In gender section female are 35.2% and male are 64.8% in section of Age have Below 20 are 24.1%, 20–29 is 46.2%, 30–39 is 15.9%, 40–49 is 11%, above 50 is 2.8%. In the marital status section, married are 23%, Single is 77 %. In the education section, middle and high school are 25.5%, college students are 31.0% and university-educated students are 32.4%, and graduate school is 11%. In the occupation section, students are 60%, office workers are 13.8%, services are 2.1%, technicians are 2.1%, professionals are 8.3%, civil servants are 5.5%, homemakers are 5.5%, others are 2.8%.

Table 2 shows that the evaluation of design reliability and robustness is based on the design used in the model. Cronbach's alpha value is greater than 0.6, indicating that the data is reliable and higher than the initial value. It means that the values of ρ_A and CR are greater than 0.70, the value of AVE is greater than 0.50, and there are no data reliability issues, and the usability is accurate and in range (Hair Jr *et al.* 2016).

Table 3 above shows the validity differences, including two methods used to calculate the discriminative validity, the Fornell and Larcker criteria, and the Heterotrait-Monotrait ratio analysis.

The HTMT values are a more reliable method to calculate the discriminant validity. It should be less than 0.85. This study indicates all values are less than 0.85 (Hair *et al.* 2019).

Table 1: Demographic Information of Respondents (Source: Authors' depiction)

Characteristics		Percentage%
Gender	Male	35.2
	Female	64.8
Age	Below 20	24.1
	20–29	46.2
	30–39	15.9
	40–49	11
	Above 50	2.8
Occupation	Student	60
	Professional	8.3
	Others	2.8
Education	Diploma	25.5
	Bachelor	31
	Masters	32.4
	other	11
Total		100.0

Table 2: Construct Reliability and Validity (Source: Authors' depiction)

	Cronbach's Alpha	rho_A	Composite Reliability	Average Variance Extracted (AVE)
E-Tourism	0.914	0.918	0.936	0.745
Ease	0.902	0.905	0.927	0.719
Tendency	0.835	0.867	0.875	0.543
Useful	0.763	0.807	0.840	0.521

Table 3: Discriminant Validity (Source: Authors' depiction)

Heterotrait-Monotrait Ratio (HTMT)

	E-Tourism	Ease	Tendency	Useful
E-Tourism				
Ease	0.820			
Tendency	0.748	0.732		
Useful	0.803	0.812	0.787	

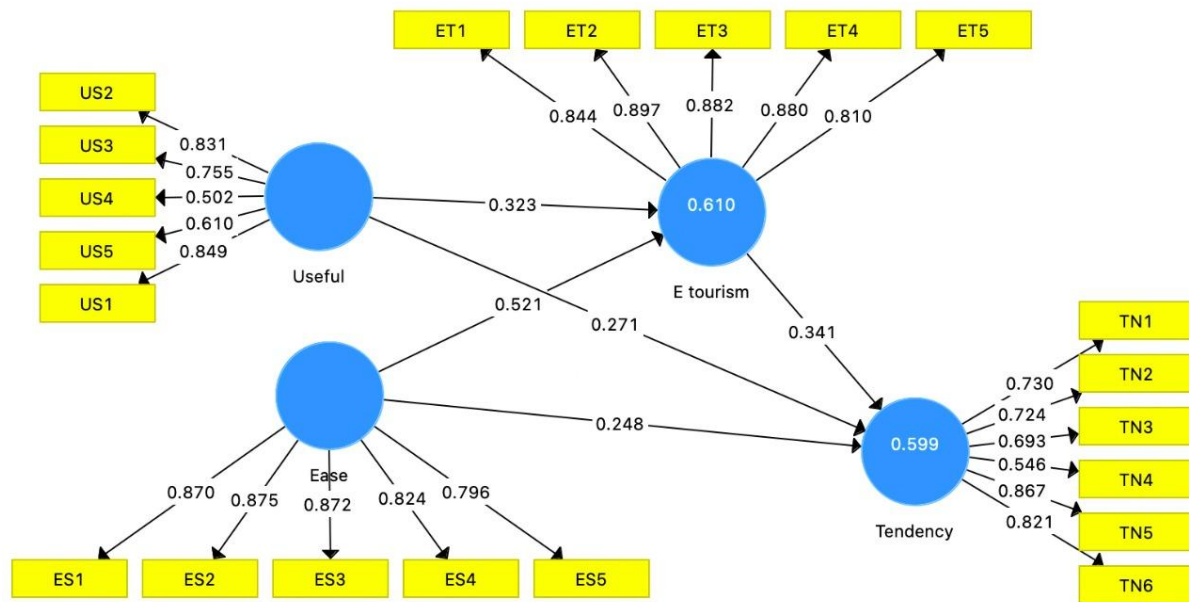


Figure 2: Structural Equation Model (Source: Authors' depiction)

Table 4: Direct Effect and Indirect Effect (Source: Authors' depiction)

No	Hypotheses	Beta Value	St. Dev	t-values	p-values	Results
H1	Useful-> Tendency	0.271	0.271	4.273	0.000	Supported
H2	Ease-> Tendency	0.248	0.079	3.131	0.002	Supported
H3	E-Tourism -> Tendency	0.341	0.072	4.727	0.000	Supported
H4	Useful -> E-Tourism -> Tendency	0.521	0.059	5.476	0.000	Supported
H5	Ease -> E-Tourism -> Tendency	0.323	0.057	9.078	0.000	Supported

Hypotheses testing is mentioned in table 4 for direct relationships and mediating effects. From the hypotheses testing, the value of direct effect between Useful of the visual tourism and tendency to visit the actual tourism site (Beta = 0.2392, $t = 4.273$, $p = 0.000$), the relative different effect of values observed by the beta value and p-value. Therefore, the direct relationship between Useful of the visual tourism and the tendency to visit the actual tourism site is strongly supported (H1). The findings of this study are supported to the usefulness of visual tourism have a positive effect on the tendency to visit the actual tourism site which discussed earlier literature (Yovcheva, Buhalis, and Gatzidis 2013; Casella and Coelho 2013). The direct effect between ease of using the visual tourism and tendency to visit the actual tourism site (Beta = 0.248, $t = 3.131$, $p = 0.002$), the results of the study is the direct relationship between ease of using the visual tourism and tendency to visit the actual tourism site is strongly supported (H2)

supported (Oh *et al.* 2014). The value of the direct relationship between e-tourism and the tendency to visit the actual tourism site (Beta = 0.341, $t = 4.727$, $p = 0.000$). The study results show that e-tourism has a positive effect on the tendency to visit the actual tourism site Hypothesis (H3) is strongly supported (Neidhardt and Werthner, 2018).

Moreover, the indirect effect of the use of visual tourism and the tendency to visit the actual tourism site by mediating the e-tourism shows the (Beta = 0.521, $t = 5.476$, $p = 0.000$). The results show that e-tourism has a mediating role between the usefulness of the visual tourism and tendency to visit the actual tourism site (H5) is strongly supported (Gretzel *et al.* 2015). Similarly, the indirect effect of ease of using the visual tourism ease and tendency to visit the actual tourism site by mediating the e-tourism shows the (Beta = 0.323, $t = 9.078$, $p = 0.000$). The results show that e-tourism has a mediating role between ease of using visual tourism and the tendency to visit the actual tourism site (H5) is supported (Buhalis 2019).

PRACTICAL IMPLICATIONS

The result of this study describes the importance of e-tourism. The previous studies investigated the phenomenon from an empirical perspective which focused on the impact of the usefulness of visual tourism and the ease of using visual tourism to visit the actual tourism site, e-tourism, mobile devices, mapping. However, the study proposed few possibilities for e-tourism which are not extensively investigated. After that, this study explains its empirical tendency to visit the actual tourism site. Initially, the assumptions in this study empirically support the idea that tourists' attitudes towards enhancing their intent to visit real tourism sites. In the field of tourism, it is crucial to introduce advanced technologies to mitigate the effects of Covid-19. In addition, current research contributes by analysis of e-tourism usage by tourists and their intentions to visit actual sites, assessing three dimensions: individual (TR), motivation (visual appeal), and situational factors (conditions of the action) in Thailand's perspective.

The study also highlighted the use of augmented reality and urges tourists to use it. The augmented reality should be in harmony with the real environment that meets normal purposes and conditions of use. According to the organization, the technical infrastructure will increase technology usage in the tourist of Thailand as well as other countries globally. According to TRAM and the elements of the usefulness of visual tourism and ease of using visual tourism are discussed in most IT departments. The study proves that these elements are important for using e-tourism thinking and visiting actual sites. This study provides some practical guidance on the tourism industry; first, the results show that usefulness of the visual tourism has a significant effect on the tendency to visit the actual tourism site. The travelers using e-tourism should be willing to use this new technology to analyze the benefits of the tourist experience.

Therefore, to increase the supply of advanced general technology such as AR, tour operators, DMOs, tourism companies' tourists, and marketers should try the promotion or valance people on using advanced technology in tourism.

Second, this study highlights the importance of influence visual appeal for ease-of-use and the tendency to visit the actual tourism site. In short, the results show that vision is important for e-tourism. Therefore, the design should be made visible. The attractiveness of the augmented reality corresponds to tourist attractions. In addition, if the conditions of the installation are convenient to use, the conditions of adaptation have been strengthened. To make it easier for people to use new technologies, participants must create favorable conditions as a technology.

Third, e-tourism also affects the tendency to visit the actual tourism site. Most importantly, the action plan seems to have positive influences. Also, with a list of good intentions to use the augmented reality of current tourism. To use the most e-tourism and create the right perspective for e-tourism is extremely important; others believe that RA should influence behavior. Therefore, to support the foundation usefulness of the visual tourism, ease of using the visual tourism e- tourism, visit the actual tourism site tourism developers and retailers should strive to find users' survey tests are required before the technology is set up.

CONCLUSION

A smart tourism provider develops e-tourism, and the attraction cup will be displayed to becoming a new tourism industry. Anyway, it's difficult for the customers to catch up on making good use of new technology. This study focused on e-tourism users, stimulus and related factors, and the visitor's destination heading to the monument attitude of e-tourism with ease of use. As a result, TR, visual appeal, is the current research; promotional conditions had a major impact on intent Visit actual sites through beliefs that use e-tourism attitude and intention to use e-tourism, intention to visit the actual site. Despite the contributions of current research, there are few limitations. First, the results are unique to actual sites. It cannot be generalized to or other actual sites or tourist destinations. Moreover, this example cannot represent the total population of e-tourism tourists. So future studies should focus on the various e-tourism users' tourist boards. Second, although this study is focused on the general understanding of the use of e-tourism and related purposes, visited the actual site and incomplete completion of this study accounting factors related to actual sites or incentives for tourists on heritage sites. The use of e-tourism in actual tourism is better understood when there are other factors such as the usefulness of visual tourism, ease of using the visual tourism e-tourism, tendency to visit the actual tourism site. Therefore, future research on the purpose and the impact of e-tourism on the tendency to visit the actual tourism site tourists experience heritage tourism. 🌐

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HOW GOVERNMENT OUTFLOW AND PUBLIC DEBT AFFECT INFLATION: EVIDENCE FROM SEE COUNTRIES

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Abstract: *The study aims to address public debt and government outflow affecting inflation in some of the countries of Southeast Europe, observing a combination of factors both theoretically and econometrically. The investigation included six (6) SEE countries, including the 2006-2020 timeframe, with 90 observations. The dynamic approach, the fixed effect, and the Arellano/Bond estimator were used to check the parameters considered in the study using panel data. Furthermore, the study also applied diagnostic tests such as the Sargan over-identifying restrictions and Pedroni test for cointegration. The results of the fixed effect and Arellano / Bond estimation demonstrate that public debt, current budget outflows, and capital budget outflows affect inflation, while overall budget outflows are insignificant. For further studies, it would be useful to apply other dynamic models by applying other specific factors, which will be considered as a useful contribution to the academic, research, and policy-making structures.*

Keywords: *Public Debt; Government Outflows; Panel Data; Fixed-Effect*

INTRODUCTION

The dynamics of inflation control are essential to the intention of monetary and fiscal policy. In recent decades the nexus between public debt and inflation, since public debt plays an important role in funding fiscal deficits, has arisen as a related area. Governments began to investigate if increasing levels of public debt affect inflation. Inflation pointing strategy was established by several central banks mainly because inflation is typically a monetary phenomenon. Nevertheless, several recent studies have deemed it outdated or unfounded. According to Sims (2016), persistent and growing fiscal deficit finance through government borrowings will eventually produce inflationary burdens, regardless of the policies followed by the Central Bank. Deficits supported by debt will thus require efficient coordination with the monetary authority to avoid excessive and volatile rates of inflation that may damage macroeconomic stability.

Moreover, according to Aimola and Odhiambo (2018), monetarist policy's effectiveness in controlling inflation depends critically on its coordination with tax guidelines, which advocates that the grant of central bank autonomy may not be successful to curb inflation in the hope of isolating an economy from the need to accomplish imprudent tax guidelines. As incorporated in Non-Ricardian policy, the Fiscal Concept of Price Level (FTPL) argues that financial authorities themselves can dominate inflation independently of monetary policy. Government capital outflows play an important role in long-term economic development and living standards, while at the same time trying to keep inflation under control. Due to undervaluation in consumption and/or non-exclusivity in use, private companies will tend to under-provide the main types of investment outflows. Therefore, there is a role for the government to increase social welfare by providing capital outflows, even after it has to tax private resources to finance it. Economic history is replete with examples of capital investment, and infrastructure, in particular, which have had significant impacts on long-term GDP and/or welfare. For instance, Gordon (2017) points out that publicly invested capital contributions to clean water structure, electrical structure have had an influence on equally life expectancy and productivity growth in the US during the first half of the XX century. More recently, government infrastructure outflows have also figured prominently in policy discussions regarding short-run stimulus.

Government infrastructure outflows are viewed by many policymakers as having advantages over government consumption outflows for stimulating the economy during a recession. In traditional Keynesian philosophies, both productive and wasteful government spending stimulate the economy in the short run through standard income and multiplier effects and help push output back to potential output. Government investment outflows such as infrastructure spending, nevertheless, have the additional advantage that it can change the path of potential output. In particular, if a short-run increase in government outflows also raises the stock of productive public capital or long-run total factor productivity (TFP), then government spending provides two benefits: Keynesian demand stimulus in the short run and neo-classical supply stimulus in the long run. These lasting effects are particularly welcome since typically stimulus packages must be financed with an increase in distortionary taxes after the recession is over. If output remains higher because of the long-run effects of more public capital, then the tax base expands and the required increases in tax rates are less.

The motive for examining these SEE nations is because they have nearly the same attitude and mentality in terms of ideology as the policymakers and aspire to be part of the EU family. The study, therefore, focuses on determining macroeconomic drivers of how they impact inflation, based on the previously mentioned concerns. To accomplish the objective, we have posed the question of research:

RQ: Do public debt and government outflows affect inflation for the countries selected in the analysis?

Moreover, the dynamic approach with the panel data, employing fixed-effect regression and Arellano-Bond econometric estimation as well as certain assessments for model steadiness, is used to the research question. The research is based on several points of view, firstly on contributing to the progress of the literature to researchers and policy structures, secondly, on the use of the latest data and drawing conclusions based on the econometric approach, with an original scientific contribution which finally points to the possible policy implications for SEE economies. Research in the defined method consists of the reasonable structure and processing flow starting from the first segment with an introduction, the second segment discusses the aspects of the review of the theoretical and empirical literature, the third explores the methodology, the description of the empirical approach, section four findings discussion and the last segment conclusions.

THEORETICAL BACKGROUND

Theoretical Literature Review

Theoretically, the most widely accepted school of thought on inflation is that it is a macroeconomic issue and its control is within the purview of the regulatory authorities. Inflation is a macroeconomic phenomenon, according to Friedman (1968). An expansionary regulatory policy will in the near term raise both real output and general price levels, with only the price level increasing in the long term (Friedman, 1968). The monetarist pricing theory is based on the notion that the currency has absolute influence over prices. Active regulatory policy and passive fiscal policies operate within a framework that establishes the Ricardian theory (Erdogdu, 2002).

There are, nevertheless, two opposing views on the interaction between regulatory and fiscal policies and their effects on price constancy. The classical view of Ricardians argues that it is the demand for liquidity and its progress over time that defines the path of prices (Attiya *et al.* 2008). In such a rule, fiscal policy is passive, suggesting that government bonds are not net wealth, and financial policy works through interest rates to determine prices. The Ricardian view assumes that price levels are mainly determined by money supply in the long run (Attiya *et al.* 2008).

The Ricardian equivalence, according to Barro (1974; 1989) is based on a monetarist view on inflation that budget deficit or public debt does not have a significant influence on the determination of price level, implying that government bonds are not net wealth. He argues that household wealth is effectively reduced because of the existence of uncertainty concerning individual future tax liabilities, suggesting that public debt may increase the overall risk contained in household balance sheets.

The consequences of this strategy from an inflation point of view are clarified by non-Ricardian assumptions regarding price regulation. Based on the FTPL study carried out by Kwon *et al.* (2006) public debt was recognized as a highly relevant indicator that influences inflation. The opinion presumes that increased effects of public debt enhance the overall wealth of households and hence raise demand for goods and services, leading directly to price pressures. The connection between public debt and inflation might be direct or indirect (Nastansky and Strohe 2015).

On the other hand, research by Sims (2016) also suggests that public debt is inflation-caused since new securities are emitted to cover past debts if the government wishes to satisfy its commitments without raising taxes and emit new sums of money. This activity just results in transferring debt from one period to the next. In addition, measures such as expanding public debt have to be influential on inflation irrespective of the policies followed. Government outflow refers to money disbursed by any country's government in fulfilling its constitutional responsibility to provide citizens with community amenities and to defend its national integrity. Inflation, nevertheless, shows that the monetary prices of goods and services are continually increased, and inflation means that prices are rising (Blanchard, 2006). Government outflows, *ceteris paribus*, may be causally inflation-related. It would thus be vital to explore the nature and scope in SEE countries of any causal link (*ceteris paribus*).

Empirical Review and Development of Hypothesis

From the point of view of the econometric literature on public debt investigations, general government outflows, current government outflows, as well as investment capital outflows have been addressed by numerous researchers. The authors who have dealt with inflation in recent years are Amiola *et al.* (2021) analyzing Nigeria, Urquhart (2021) analyzing the economy of Portugal, Guei (2019) analyzing the emergent countries, France and Janssens (2018) have analyzed inflation in Africa. A large number of studies have been done by treating panel countries such as Kwon *et al.* (2006) has treated a sample of 71 countries, where 13 of them are considered very advanced economies, 10 other advanced economies, and 43 developing economies using data for 43 years. He argues that an increase in public debt is typically inflationary in developing countries, has a low association with other advanced economies, and has no influence on countries with highly developed economies. Moreover, other identical results achieved by Lopes Da Veiga *et al.* (2016) have concluded that there is a strong positive association in developing countries between these two indicators. Furthermore, Taghavi (2000), and Karakaplan (2009) have found that economies with developed financial markets, advanced economies, and developing countries that have low levels of public debt have been found to have a negative influence between public debt and inflation. From the context of analyzing macroeconomic determinants among public debt and

inflation, the authors Kryeziu and Durguti (2019) using OLS and some other econometric approaches, concluded that there is a stable positive connection among these two indicators at the level of significance 1 percent of the Western Balkans countries. Whereas, the most recent study conducted by Durguti *et al.* (2020) where it is explicitly treated using the VECM technique and ADF unit root test, there is a strong positive association among budget deficit, government debt, exchange rate, and inflation both in the short run and in the long run. Therefore, based on the analyzed studies the study has developed the following hypothesis:

Ho: The increase in public debt has an important positive influence on inflation.

Ha: The increase in public debt has an important negative influence on inflation.

Some observed studies have been performed on the effect of government outflow on inflation and the theoretical also observed data demonstrates that extended fiscal expansions are contributing to inflation. Han and Mulligan (2008) carried out the study on three dimensions of data; cross-country data were analyzed for the association among inflation and size of government in long run for 80 states, whereas time series data were used to identify the changes in overall expenditure in disaggregate levels of defense and non-defense expenses. To rectify the possible endogeneity problems in size of the government and non-defense outflow, the government expenses on social security to outcome ratio was used. Accordingly, they found a confident strong association between inflation and the size of government during wartime. Furthermore, non-defense expenditure is negatively related to inflation and it is insignificant. Government outflows are handled or developed indirectly to a smaller extent than other macroeconomic factors. Nguyen (2019) studied Asian economies (India, China, and Indonesia) using the co-integration technique and VECM, covering the 1970–2010 period, the impact of government expenses on inflation.

The results of co-integration have proven that there is a causal connection between government expenses and long-term inflation, but, in the short run, this has a negative consequence on China's economy and a positive impact on India and Indonesia's economies. Hence, assumed that the findings argue contradictory marks, the hypothesis in our case is set out as follows:

Ho: The overall government outflow has an important positive influence on inflation.

Ha: The overall government outflow has an important negative influence on inflation.

Current government outflows are under the other category of government outflows, which are largely meant for the execution of government operations for goods and services. Researchers in many countries have very slight consideration of current government expenditure. Attari and Javed (2013), employing the ARDL, Granger Causality, and Johansen Cointegration method of an advanced dynamic approach, concluded that this indicator is long-term correlated with inflation. On the other hand, (Egbetunde and Fasanya 2014) claim that overall expenses have a modest positive connection of the current public spending with inflation. The presented hypothesis is:

Ho: The current government outflow has an important positive influence on inflation.

Ha: The current government outflow has an important negative influence on inflation.

Lastly, in the context of government outflows, the most significant variable is capital investment. The authors that used the multifactorial regression analysis (Kryeziu and Durguti 2019) claimed that any capital expansion has an influence directly on inflation since this impact the production of extra money that is indirectly linked to consumption. Egbetunde and Fasanya (2014) have reached the same conclusion by investing in capital projects, such as road infrastructure, social issues, or other capital projects that have a direct impact on inflation. The hypothesis presented is:

Ho: The capital government outflow has an important positive influence on inflation.

Ha: The capital government outflow has an important negative influence on inflation.

The hypotheses and consequences will be evaluated in the last stage of the research via the applicable estimations.

METHODOLOGY

This segment includes the study's full procedure and approach, including statistics collection and explanation, model specifications, root unit tests, co-integration tests, the fixed effect, and the Arellano-Bonde GMM estimation.

Data Source

To carry out this study, we have used the secondary data extracted from the World Bank database in the format defined by the criteria of IFM and the World Bank. The data sample consists of 6 SEE countries (i.e., Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Montenegro, and Serbia).

The data included in the investigation cover the period 2006 to 2020, which in total are 90 observations in 6 panels group. The applied data are strongly balanced and categorized into two groups, inflation as a dependent variable and the public debt, general government outflows, government current outflows, and capital outflows as explanatory variables. The selection of the econometric approach studies is based on the approach applied by Kwon *et al.* (2006), Nguyen (2015), and Romero and Marin (2017). Table 1, offerings classification, description, and expected results of each parameter in particular.

Table 1: Variable Descriptions and Expected Sign (Source: Own research)

Variable		Denominations	Acronyms	Sign
Dependent Variable		Inflation	INF	
Explanatory Variables		Public debt	PD_gdp	+/-
		Total budget outflows	TBO_gdp	+
		Current budget outflows	CBO_gdp	+/-
		Capital budget investment	CBI_gdp	+

In Figure 1, the intermediate oscillation of the two parameters for the SEE countries is presented. The figure shows that their movement is almost constant between observations 35, where there is a more pronounced movement compared to other periods.

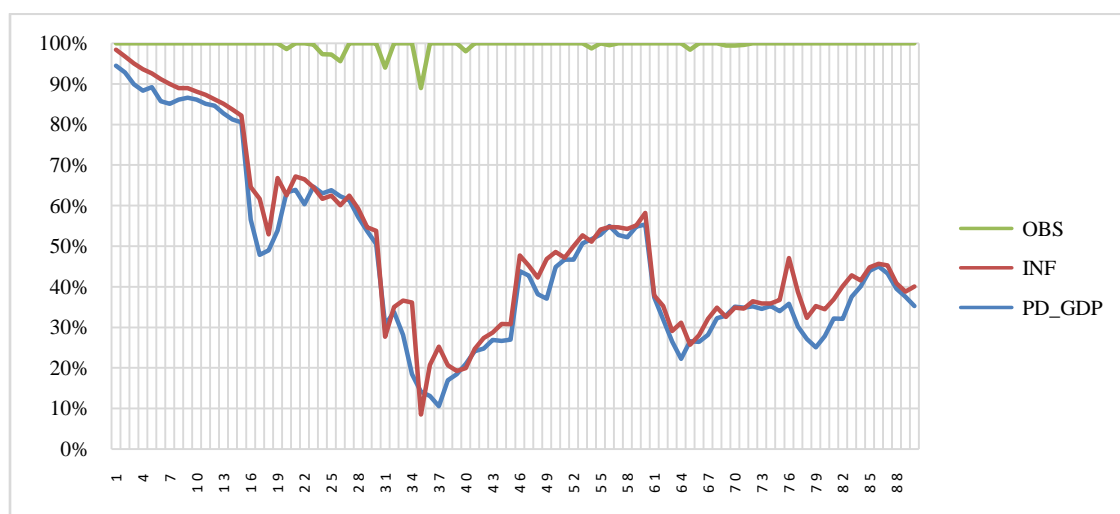


Figure 1: Public Debt and Inflation Trend during 2006-2020
(Source: World Banka Dataset and Author's calculation)

Estimation Approach

Public debt and government outflows in the last decade have been the focus of many scholars in the international arena, not excluding interest in European countries by applying different approaches and models, or treating countries as individuals and in panel groups. Thus, the definition of the econometric model is based on recent studies conducted with the sole purpose of reaching more consistent arguments regarding the parameters selected in the analysis. The useful empirical approach is adapting the econometric model applied by Durguti *et al.* (2021) in their study evaluating macroeconomic determinants' effect on inflation for the Western Balkan countries. Also, as an additional reference on the applied methodology, the study is based on the study conducted by Romero and Marin (2017) analyzing the data of 52 countries through the combination of econometric approach as vector autoregression model, fixed effect, and Arellano-Bond estimation. The motive for selecting this approach is because the fixed effect of GMM estimation, in particular, gives consistent results when dealing with the data panel, and the number of observations is large. Therefore, based on the facts highlighted in this study, the dynamic approach is applied to assess the defined components and how they affect inflation. One of the advantages of the use of the data panel is that these two approaches allow the degree of individual heterogeneity which is not characterized during the use of time series (Batagli 2013).

In the following, we will give the formulas of the fixed effect and the GMM estimation on the premise of an explanation of the factors in this assessment and the specified method for the applied econometric research:

$$INF_{it} = \alpha + \beta_1(PD_gdp_{it}) + \beta_2(TBO_gdp_{it}) + \beta_3(CBO_gdp_{it}) + \beta_4(CBI_gdp_{it}) + \varepsilon_{it}$$

The formula according to the dynamic-GMM approach, applying the factors outlined within the 1st difference is:

$$\Delta INF_{it} = \alpha + \mu(INF)_{t-1} + \alpha + \beta_1(PD_gdp_{it}) + \beta_2(TBO_gdp_{it}) + \beta_3(CBO_gdp_{it}) + \beta_4(CBI_gdp_{it}) + \varepsilon_{it}$$

Table 2 contains the fundamental details of all proposed inflation evaluation criteria.

Table 2: Summary Statistics (Author's Calculation)

Variable Description	Obs	INF	PD_gdp	TBO_gdp	CBO_gdp	CBI_gdp
Smallest	90	-2.40	5.20	19.10	14.60	1.60
Largest	90	16.30	79.34	50.90	43.10	11.10
Mean	90	2.82	41.76	35.97	31.33	4.82
Standard deviation	90	3.25	19.53	7.61	8.43	2.29
Skewness	90	1.59	-.04	-.02	-.33	.77
Kurtosis	90	6.12	2.06	2.00	1.75	3.15

The results produced in qualified to the inflation show that the mean constant among periods was with a coefficient of 2.82, with a standard deviation of 3.25. The smallest value has reached –2.4 this value achieved by Kosovo in 2010, while the largest has reached 16.3 value achieved by Serbia in 2006. Public debt or government debt –to-GDP have variations with a standard deviation of 19.5 percent. The smallest value is 5.2, reached in 2012 in Kosovo, while the largest value is 79.3 was reached in Montenegro in 2019. The indicator total government outflows in this study reached the smallest value in 2008 in Kosovo in the amount of 19.1, while the maximum value is 50.9 was reached in Bosnia and Herzegovina in 2009. The skewness value for this parameter is with the coefficient of -0.02, while kurtosis is in value of 2.0. which has to do with the sources of the financing fund is noticed that there are oscillations within the euro-area countries with a standard deviation of 49.45. Current spending is assessed at the level of the local and central government expenditures on services and commodities with the lowest value maintained by the Government of Kosovo in 2008 at 14,6 percent of GDP while the government of Bosnia and Herzegovina attained a high value of 43,1 percent of GDP in 2010.

Regarding capital budget investment indicator reached a minimum value of 1.60 in Montenegro in 2017, and a maximum value of 11.1 was reached by Kosovo in 2012. The strategy and concept of governance in terms of capital investment are virtually the same, where all capital investments are geared towards infrastructure and the major road. Moreover, budget estimates beyond 2021 lead us along the same lines, where the Albania, Kosovo, and Serbia highways are expected to be completed and the European countries will continue to connect this section.

Table 3: Correlation Statistics (Source: Author's calculation)

Variable Description	INF	PD_gdp	TBO_gdp	CBO_gdp	CBI_gdp
INF	1.000				
PD_gdp	-0.084	1.000			
TBO_gdp	0.183	0.318	1.000		
CBO_gdp	0.142	0.359	0.956	1.000	
CBI_gdp	-0.042	-0.413	-0.228	-0.452	1.000

Table 3 indicates the correlations among the variables applied to inflation, which is defined as the main indicator for measuring the impact of public debt and government outflows. In addition to the interconnectedness between the parameters, the results given in Table 3 indicate that the dataset used in the analysis hasn't any difficulty with multi-collinearity and may thus continue using additional analyses (Malhotra 2019). From the outputs, it is noticed that inflation has a low confident relationship with a coefficient of 0.183 or 18.3 percent with total budget outflows and

0.142 or 14.2 percent with current budget outflows, while a low harmful association has the public debt and capital budget outflows with the inflation with a constant of -0.084 or 0.84 percent, respectively -0.042 or 0.42 percent. However other variables as seen from the association table show that they have a modest confident connection with inflation.

RESULTS AND DISCUSSION

Based on the outputs produced in this revision, it would primarily be necessary to analyze and discuss some applied assessments which determine the importance and appropriateness of the applied models. Thus, the F-test has a coefficient of 6.46, with a probability of 0.001 which tells us that all the constants applied in the model have a value less than $P < 10$, and based on this we can state that the parameters are suitable for a stable examination. Additional arguments that add value to the stability of the model is R-squared is in the value of 0.5465, which means that the explanatory variables have an impact or describe the dependent variable at the level of 54.7 percent.

In addition, Durbin-Watson was used to evaluate the serial correlation of panel countries based on the 0 to 4 range. When the constant of information is between 0 and 1.5, the statistics have an adverse association, although the statistics have autocorrelation when the constant is between 1.5 and 2.5. if the constant is between 2.5 and 4, then the information has a high positive serial correlation (Durbin and Watson., 1971); (Racine and Hyndman., 2002). While in the evaluation of the second approach through GMM estimation we have applied the AR (1) test, where wald chi2 is in the value of 547.32 and that with a probability of 0.000 which indicates the adequacy of the applied approach. The findings obtained by the second GMM method for the predictor variables with 1 lag difference and one step are tested in the first difference.

Table 4: Estimation Results (Source: Author's calculation)

Variable	Fixed Effects Regression Model		GMM - Arellano-Bond Estimation	
	INF		INF 1 st lag	
	Coefficient	P>[t]	Coefficient	P>[t]
Constant	9.623	0.060	-78.978	0.000
PD_gdp	-.126	0.000	-.103	0.031
TBO_gdp	.095	0.700	-.019	0.958
CBO_gdp	-.181	0.075	2.341	0.000
CBI_gdp	.160	0.005	1.135	0.017
Observation	90		90	
R-squared (within)	0.5465	--	--	--
F-test	F (6,46)	Prob >F; P=0.001	--	--
Durbin-Watson	--	2.131	--	--
Wald Chi 2	--	--	Wald chi2 547.32	P>chi2 = 0.000
<i>Diagnostic Test for Cointegration – Pedroni Test</i>				
	Statistic		p-value	
Modified Phillips-Perron t	1.9690		0.5245	
Phillips-Perron t	-1.4883		0.0083	
Augmented Dickey-Fuller t	-1.3740		0.0047	
Sargan test	28.079		0.3054	

Dependent variable: Inflation. Note. (***), (**), (*) significant respectively at 1,5 and 10 percent.

The econometric findings presented in Table 4, according to the FE and GMM model - Arellano-Bond public dept-to-GDP has a significant impact with negative signs on inflation for the panel countries surveyed. These substantiated arguments result in the fact that every increase per unit of PD_gdp will affect the reduction of the inflation rate by 1.26 units according to FE, and 1.03 units according to GMM. Analyzing the countries of the Western Balkans (Durguti 2020) in their study the determinants that cause inflation, have empirically argued that budget deficit, public debt, and real exchange rate have an impact on inflation. Also, the study conducted recently in this perspective by Amiola and Odhiambo (2021) using the empirical ARDL bounds approach including the observation period 1983-2018. The results of this study are contradictory to the cointegration regression where it appears that public debt, in the long run, provides solid evidence between these two parameters, while the ARDL assessment in both short-term and long-term terms has shown insignificant evidence. These findings also present the inconsistency of agreement between researchers, as from the perspective of the approach, the form of application of the empirical approach, etc. Therefore, our results are consistent with the arguments presented by Durguti

(2020). Government outflows have recently been the focus of discussions, especially in the Covid-19 period, when many economic entities suspended their activities as a result of measures to close or limit activities by order of the respective governments. Therefore, proactive and supportive governments in revitalizing the economy must channel those outflows that will affect economic growth, and at the same time keep inflation under control. The authors Attari and Javed (2013) using the ADF unit root test technique, ARDL, Granger Causality, and Johansen Cointegration test have argued that there is a long-term relationship between government spending and inflation. Despite the fact (Egbetunde and Fasanya 2014) including data for 1970 to 2010, they argued that overall government spending has a significant negative impact, while current spending has a significant impact on economic development. Therefore, the results of our study, in addition to verifying that they have a significant impact on inflation and that with a confidence level of 99.9 percent in both applied models. The results generated for this variable show that the FE approach has a negative impact, which is consistent with the results of (Egbetunde and Fasanya 2013), while according to the GMM assessment has a contradictory result with a significant positive impact and is consistent with the study by Attari and Javed (2013).

And the last parameter, but not in terms of importance is the capital budget investment wherein in both models there is a significant positive result against inflation with significance levels of 1 percent. According to FE, the coefficient is 0.161, respectively 1.135 according to GMM, which consequently determines that each rise for one unit of capital budget investment affects the rise for 0.16 units, respectively 1.135 units of inflation. Kryeziu and Durguti (2019) in their study of the impact of inflation on GDP growth for Eurozone states, applying several tests and multifactorial regression investigation have found that the rise in capital outflows has an important influence on inflation. Egbetunde and Fasanya (2014) reached the similar result that government investment in infrastructure, social matters, and additional financial activity should be increased. Therefore, based on these arguments, our study is in full accordance with these studies apostrophized on the one hand and with the expected results.

Post-Diagnostic Estimations

The findings of the post-diagnostic examination, the Pedroni co-integration examination, and the Sargan examination are revealed in Table 4 to advocate reliability. The co-integration check to be conducted must be on condition that the data is fixed at the level or in the first difference and our case that the data has been stationary at the first difference, and the results of the Pedroni examination confirm the fundamental assumption that the data are not being cointegrated, as the Phillips-Pedroni coefficient is $P = 0.5245$ and the ADF examination with coefficient $P = 0.0047$.

Also, Hansen J-statistics of over-identifying restrictions, which are insignificant (see Table 4 $P=0.3054$) for the instrument validity.

Hypothesis Verification

The findings of the hypothesis confirmation or non-confirmation via econometric evaluation are shown in Table 5.

Table 4: Estimation Results (Source: Author's calculation)


No.	Hypothesis	Significance Level	Confirmation of Ho:	Confirmation of Ha:
1	Public debt	$P=0.000$	Rejected	Accepted
2	Overall government outflows	$P=0.700$	Rejected	Rejected
3	Current government outflows	$P=0.000$	Accepted	Rejected
4	Capital government outflows	$P=0.017$	Accepted	Rejected

Based on the preceding table, we can infer that three of them have been verified out of four premises examined. In the main hypothesis, two of them were verified, whereas one was confirmed in the alternative hypothesis with an importance of 1 percent.

CONCLUSION

The main purpose of this study was to analyze the relationship between some of the macroeconomic variables and the inflation rate for the SEE countries. In particular, we have investigated whether these variables impact inflation, applying these indicators public debt, overall government outflows, current government outflows, and capital government investment. To achieve the objectives, we have applied the dynamic approaches using the panel data for the countries specified in the analysis, including the periods 2006–2020, which in total are 90 observations. The exclusiveness of this study is that tests were applied for each applied model, to analyze how considerable the dependent variable is explained by the independent variables, tests on serial correlations, Pedroni test for co-integration, and Sargan test for over-identifying restrictions all of which have consistent results at a significance level of 1%.

The findings of this study are under the expected results and following the studies conducted earlier by different researchers applying different approaches and models to achieve the most accurate results. The component, which has been analyzed by many authors is public debt, the confirmed results show us that any public debt in the SEE countries affects the increase in inflation. Moreover, current government outflows have an inverse influence on the inflation rate according to fixed-effect, and

confident effect according to Arellano-Bond. However, the important component of macroeconomic determinants is capital government investment has a positive impact on the inflation rate. The surprise of this study is the variable overall government outflows and what impact it has on inflation based on the fact that a few studies have been conducted on this indicator, especially in the countries of the SEE countries and the European Union. The outputs of this indicator according to the econometric analysis are contradictory by applied models, where according to the fixed effect, there is an insignificant impact, and according to the GMM, we have an insignificant influence and inflation. The scope of this study was limited to the collection of other important data for macroeconomic indicators, as for some other important indicators we did not have the opportunity to provide data to enrich the study. These findings provide a clear path for future research on macroeconomic variables, moreover applying their subcomponents as well as the application of other dynamic models to study their effects in the short and long term. 

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THE LEADERSHIP REQUIREMENT OF THE CRIME OF AGGRESSION UNDER THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

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Abstract: *The subject of this analysis was the provisions of the Rome Statute of the International Criminal Court devoted to the leadership requirement of the crime of aggression. The crime in question is the successor of crimes against peace. This paper employed normative and formal dogmatic legal methods in analyzing the particulars of the leadership clause. Besides, this analysis also took into consideration the case-law of certain judicial bodies. This paper aimed to examine whether the leadership requirement of the crime of aggression has been properly constructed for the Statute. The main focus was on the meaning of the conditions stemming from the leadership clause that each perpetrator ought to fulfill to incur criminal responsibility for the crime of aggression. Additionally, this research addressed the criminal responsibility of public and private actors and the modes of participation in the crime in question. The article established that the leadership requirement concerning the crime of aggression has been aptly incorporated in the Statute since this requirement, at the same time, embraces the post World War Two standards concerning crimes against peace and the contemporary notion of aggression as one of the core crimes under international law.*

Keywords: *Aggression; Leadership; Effectiveness; Criminal Responsibility*

INTRODUCTION

The adoption of the amendments to the Rome Statute (hereinafter: the Statute)¹ of the International Criminal Court (hereinafter: the Court) concerning the crime of aggression at the 2010 Review Conference in Kampala is without any doubt a historic achievement comparable to the adoption in 1998 of the Statute itself (Blokker and Kress 2010, 889–895). It is worth observing that for the first time in the history of mankind, after the prosecutions of German and Japanese war criminals in the aftermath of the Second World War, there is an international court with the jurisdiction to try the perpetrators of the crime of aggression, which is a familiar concept in international

¹ All articles mentioned in this paper refer to the Rome Statute of the International Criminal Court unless otherwise emphasised.

criminal law. International criminal law understood in the modern sense starts with the prosecution of Nazi Party officials and high-ranking military officers along with German industrialists, lawyers, and even doctors. Military tribunals, among other things, dealt with the criminal prosecution of the German and Japanese defendants accused of crimes against peace which is equivalent to the crime of aggression. However, the Charter of the International Military Tribunal (hereinafter: the IMT) and the Charter of the International Military Tribunal for the Far East modeled after the former remained silent about the individual conduct and mental elements of crimes against peace (McDougall 2016, 80). The London and Tokyo Charters did not stipulate the capacities or properties of the perpetrator of crimes against peace or any other crimes.

Nonetheless, in the view of the military tribunals trying Nazi and Japanese war criminals, crimes against peace were not considered *delictum communium* since the perpetrator ought to fulfill the so-called 'leadership requirement' to be held criminally responsible for these crimes. When it comes to the leadership requirement of crimes against peace, this requirement was first introduced in the Farben case concerning waging aggressive war (Heller 2011, 184). The US Military Tribunal in the Farben case held that criminal responsibility for crimes against peace was confined to those "responsible for the formulation and execution of policies" (USA v. Carl Krauch *et al.* Trials of War Criminals Before the Nuremberg Military Tribunals Under Control Council Law No. 10 (1952), Vols. VII–VIII (Farben case), 1123).

Before the Farben case, however, the Tribunal in the High Command case held that a person's rank or status is not a conclusive or isolated factor in establishing his criminal responsibility for crimes against peace "but his power to shape or influence the policy of his State" (USA v. Wilhelm von Leeb *et al.* Trials of War Criminals Before the Nuremberg Military Tribunals Under Control Council Law No. 10 (1951), Vols. X–XI (High Command case), 486). The same Tribunal also held that actions of those, who as a consequence of their actual power to shape and influence the policy of their nation, prepare for, or lead their country into or in an aggressive war, is condemned under international law (High Command case, 486). The Tribunal also acknowledged that the actions of those who simply act as the instruments in the hands of the policy-makers are not criminalized at the present stage of the development of international law (High Command case, 486). In this excerpt from the reasoning, we can observe the contours of the crime of aggression and the leadership requirement in their rudimentary form.

First and foremost, even though the formal status or rank of the perpetrator was not a decisive factor, the perpetrator had to have the power to shape or influence the policy of his State or to formulate or execute such policies. In other words, crimes against peace could not have been committed by any perpetrator. In the second place, crimes against peace were considered crimes under international law at that time. Last but not least, only certain categories of individuals who could satisfy the requirements of shape or influence could be held criminally responsible for crimes against peace.

It is clear from this that crimes against peace were considered to be the crime of leadership albeit not the formal one that would be reflected in holding public office. After a brief turn to the post-WWII understanding of crimes against peace, we will now devote our attention to the crime of aggression in contemporary international criminal law. The definition of the crime in question and the conditions for criminal prosecution of individuals in front of the Court were the issues of significant discussions at the negotiations of the Statute since the criminalization of aggression directly concerns state sovereignty and presuppose the establishment of individual responsibility attributable to high-ranking political and military leaders (Fujita 2006, 40). Even though it took the States Parties twelve years from the establishment of the Court in 1998 to reach a compromise regarding the definition of the crime of aggression, the States Parties finally succeeded in 2010. In connection with that, according to the newly added article 8*bis* of the Statute:

For the purpose of this Statute, 'crime of aggression' means the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity, and scale, constitutes a manifest violation of the Charter of the United Nations.

The nature of the crime of aggression is accordingly dual. The criminal offense in question comprises the conduct of an individual and the act of an aggressor State. It is clear from the intrinsic peculiarities of aggression that single individuals acting without coordination cannot commit such a crime – instead, it always results from the collective action of a plurality of persons (Cassese 2007a, 848). Secondly, the crime in question is attributable to "political and military leaders and other senior state officials" who "mastermind, plan, or organize" this crime (Cassese 2007a). According to the Statute, the crime of aggression cannot occur without the involvement of a State. Hence, here lies the difference between the crime of aggression and other core crimes. While it is hard to imagine the commission of genocide, crimes against humanity, and war crimes, without significant State involvement, these crimes can be committed by non-state actors.

The leadership requirement is thus an integral part of the definition of the crime in question contained in the Statute, and it is one of its special features. The leadership clause repeats itself in the general part of the Statute that governs modes of criminal responsibility for perpetrators and their accomplices for participation in the crime of aggression. The Elements of Crimes (hereinafter: the Elements) also contain the leadership clause about the crime of aggression. The leadership requirement is thus an objective element of the crime in question that can be considered a conduct element or a circumstance element depending on the particulars of each specific individual crime of aggression (Clark 2009a, 679). This requirement distinguishes the crime in question from

the other crimes within the purview of the Court, namely, genocide, crimes against humanity, and war crimes.

THE EFFECTIVENESS TEST

One of the crucial issues regarding the crime of aggression is whether the perpetrator had been in a position to effectively control or direct political or military action of a State. Hence, comprehensively understanding the crime of aggression requires assessing the level of control over a political or military action that the perpetrator has to wield. Nevertheless, the Statute has not followed the post-WWII precedents regarding the factual relationship between the perpetrator and the crime of aggression. The prosecutors charged with the prosecution of the German and Japanese warlords in the aftermath of World War II had been in a more comfortable position regarding proving the commission of the crime of aggression compared to the potential future situation faced by the prosecutor proceeding in front of the Court.

As we have seen, the statutory definition of the crime of aggression requires that the perpetrator has been a person in a position to execute the requisite conduct, namely, to control or direct political or military action of a State. Therefore, the essence of the leadership requirement is that the perpetrator occupied a defined role at the time of the commission of the criminal offense regardless of whether he had found himself in that role voluntary or involuntary from his perspective (Clark 2009a, *loc. cit.*). However, there are different interpretations of this requirement. According to the first, also narrower understanding, the individual in question must have occupied a position that formally incorporates the ability to exercise control over or direct the political or military action of a State (McDougall 2015, 179).

On the other hand, according to the second, more extensive understanding, the phrase in a position amounts to the mere actual ability to execute the required conduct that does not need to stem from a constitution of another legal instrument of lesser legal strength. In many cases, besides occupying the governmental post or another official role, the perpetrator would also possess the informal power to exercise significant influence over the politics of a State. Therefore, a person could satisfy the leadership requirement when he can influence political processes and State behavior despite the lack of any official capacity.

The extension of the leadership clause to those who do not hold any public office seemingly extends the boundaries of punishability for the crime of aggression. However, on close examination, the insistence on a factual power rather than a formal status or rank has the opposite effect since it excludes from the potential category of perpetrators those members of the formal governmental power structure who cannot exercise real power, such as, for instance, heads of States who are mere figureheads deprived under their national legislation of actual power to influence policies of their

States (Clark 2009b, 715). The incorporation of the term 'effectively' in the leadership clause indicates that mere *de jure* power over the political or military action of a State would not satisfy the leadership requirement and that a real capacity of exercising power must be established. An example of a figurehead with *de jure* powers but left with no actual control is the British Queen concerning the political and military establishments in Canada, Australia, and New Zealand (Gillet 2013, 860).

In case of criminal prosecution of the leaders of any of these former colonies for the crime of aggression, the Queen could not face any potential criminal responsibility as she lacks sufficient power or control to fulfill the requirements stemming from the leadership clause concerning these countries (Gillet 2013). The problem is that neither the Statute nor the Elements offer any additional explanation concerning the level of requisite control (Gillet 2013). The satisfaction of the leadership requirement will thus depend on the circumstances of each particular case (Gillet 2013).

The Statute, nonetheless, when defining the crime of aggression, did not opt to borrow the shape or influence test devised in the post-WWII trials. In this regard, adopting the control or direct phrase presents a departure from the post-WWII standard concerning the criterion for attributing criminal responsibility to the perpetrator for the crime of aggression. When amending the Statute in 2010, the State Parties injected the standard of effectiveness into the statutory definition of the crime of aggression. The issue arising from the effectiveness standard stems from the fact that this standard is the legal transplant into the Statute previously employed in an unrelated legal context (Weisboard 2009, 47). Therefore, taking into account the fact that the standard of effectiveness is in the first place the creature of public international law, we are ought to leave the boundaries of international criminal law and step into the field of public international law to discuss the abovementioned standard and its implications and repercussions. 'Effective control' is the standard that the International Court of Justice (hereinafter: the International Court) used in 1986 to assess whether the United States of America had been responsible for acts carried out by Contra guerillas in Nicaragua (Military and Paramilitary Activities in and Against Nicaragua (Nicar. v. US, 1986 I.C.J. 14, June 27). After rejecting that the Contras were *de facto* organs of the United States, the International Court held that the responsibility of the United States could still arise if it were proved that it had itself "directed or enforced the perpetration of the acts contrary to human rights and humanitarian law alleged by the applicant State" (Nicar. v. the US, 64). In the same case, the International Court illustrated further, "for this conduct to give rise to the legal responsibility of the United States, it would in principle have to be proved that that State had effective control of the military or paramilitary operations in the course of which the alleged violations were committed" (Nicar. v. the US, 65).

Albeit the International Court failed to define the test of effective control further it can be concluded that the test requires that the involvement of the external entity consists "in planning the operation, choosing targets, giving specific directives and

instructions, and providing operational support” (Talmon 2009, 503). It seems clear from these words that by ‘effective control’ the Court meant either (1) the issuance of directions to the controlled subject by the subject wielding power over the former concerning specific operations, that is to say, the ordering of those operations, or (2) the enforcement by the entity exercising control over each specific operation of the subordinate subject, namely forcefully making the latter to carry out specific operations (Cassese 2007b, 653).

The effective control test has been applied in international criminal proceedings as well. The International Criminal Tribunal for the former Yugoslavia (hereinafter: the ICTY) in *Tadic* examined different degrees of control. However, the Appeals Chamber of ICTY in *Tadic* took a different view regarding the control required. The Appeals Chamber of the ICTY in the *Tadic* case differentiated between two categories of *de facto* state organs whose actions give rise to State responsibility under international law. In addition to the test of effective control, the ICTY added the test of overall control.

The ICTY differentiated between two situations regarding the control test. In the first hypothetical situation, individuals act on behalf of a State without specific instructions. In the second hypothetical situation, by contrast, individuals comprise an organized and hierarchically structured group, such as a military unit or, in case of war or civil strife, armed bands of irregulars or rebels (Prosecutor v. Dusko Tadic, Case No. IT-94-1-A, Judgment of the Appeals Chamber, 15 July 1999 (*Tadic* case), 120). Unlike an individual, an organized group differs from the former since such a group has a structure, a chain of command, and a set of rules as well as the outward symbols of authority (*Tadic* case, 120). A member of the group, as a rule, does not act on his own but conforms to the standards prevailing in the group and is subject to the authority of the head of the group (*Tadic* case, 120). Thus, for the attribution to a State of acts of these groups according to the *Tadic* case, it is sufficient to require that the group as a whole is under the overall control of the State (*Tadic* case, 120).

As we have seen, in the *Tadic* case, the ICTY employed the overall control test to attribute responsibility under international law to States for the acts of unofficial state agents. In the same vein, the overall control test suffers from the same flaw as the effective control test in that both of them are devised and applied in different legal contexts and with other purposes than establishing the responsibility of individuals for crimes. Hence, international criminal law is not the natural habitat of effective control or overall control. In international criminal law, the test of effective control would have to flow in an opposite direction from the direction in which have been initially devised and applied.

The International Court nevertheless remained faithful to the test of effective control and relied upon it in the Bosnian Genocide case when the International Court again employed the test to establish the responsibility of a State under international law for actions of a non-state actor (Cassese 2007b, 649–668).

In the Bosnian Genocide case, despite acknowledging that the test of overall control could be appropriate in different contexts from assessing the responsibility of States, the International Court characterized the overall control test as unsuitable for attributing responsibility under international law to a State since the responsibility derived based on such a test would be overly broad in any event (Crawford 2013, 155). The standard of effectiveness implanted in the Statute about the ability of the perpetrator of the crime of aggression to control or direct the action of a State has nevertheless come under harsh criticism. Weisbord (2009, *loc. cit.*) acknowledges that even though effective control is a sociologically appropriate evolution from a formal position because it captures crucial contemporary aspects of leadership, it suffers from two shortcomings as a property of the leadership qualifier for the crime of aggression. In the first place, this author points out that the effective control test has been transplanted into the Statute which deals with the issues of international criminal law, while the mentioned test hails from public international law (Weisbord 2009).

In the second place, according to the same author, the standard of effective control does not extend far enough to cover the criminal responsibility of the leaders of post-bureaucratic organizations (Weisbord 2009). Additionally, other authors join in the criticism of the effective control concept, albeit from different perspectives. Cassese (2007b, 651-653), while finding the test itself as unpersuasive, bases his criticism of the abovementioned test on the fact that it neither reflects international customary law nor the practice of states since the test is the invention of the International Court and its judicial creativity in the cited Nicaragua case and thus grounded of the authority of the International Court itself. Another argument put forward against the leadership requirement is that the proving of “an absolute leadership requirement” as regards the ability to control or direct the action of a State would be an onerous task, which could impede the capabilities of national criminal justice systems to effectively outroot the systemic causes of the crime of aggression since the leadership clause from the Statute would significantly motivate national law-making bodies to alter their criminal codes about the crime of aggression to make them in line with the Statutory definition of crime in question (Drumbl 2009, 314).

The formula contained in the leadership clause of the crime of aggression has been criticized as too narrow since exempts from criminal responsibility those who even though they do not hold public offices on the one hand, nevertheless could contribute strongly to the act of aggression on the other (Clark 2009b, *loc. cit.*). According to Heller (2011, 379), as a result of pairing up effective with control in the text of the Statute, such a considerably more restrictive standard than shape or influence saves from criminal prosecution private economic actors such as industrialists, even though the military tribunals maintained that such figures could be held criminally responsible for their participation in the crime of aggression. Albeit one should give credit to those arguments concerning inappropriateness and shortcomings of the effectiveness

standard, the standard in question is nonetheless the apt solution regarding the attribution of criminal responsibility for the crime of aggression to the individual perpetrator. Even though the overall control test may be satisfactory when it comes to the attribution of international responsibility to States for the actions of their agents, such a test would certainly and unnecessarily extend the criminalization for the crime of aggression to many mid-ranking and even low-ranking participants in the crime of aggression. In adopting the effective control or direct criterion, the Statute had rejected the Nirenberg legacy of shape or influence and, at the same time, acknowledged that the boundaries of criminalization should and must be clearly defined since the law governing behavior that gives rise to criminal responsibility has to be foreseeable so that each concerned individual know how he should behave himself.

The standard of shape or influence leaves too much leeway for different interpretations when it comes to the issue of who can satisfy such a standard. This standard is a fairly elastic expression (Dinstein 2011, 143). In democracies where countless bureaucrats and military officials take part in shaping the policies of a State or its military actions, an excessively large group of people would be able to satisfy this standard and unjustifiably face criminal prosecution (Ambos 2014, 205). Hence, adopting the overall control test or shape or influence standard or another less stringent standard and thus broadening individual criminal responsibility would not be consistent with the contemporary developments of international criminal law (Hajdin 2017, 565–566).

Also, we should bear in mind that the State is a hierarchically structured organization with clearly defined roles of its officeholders and civil servants and military personnel. One should not incur criminal responsibility because he had occupied a position allowing him to exert influence on the conduct or policy of a State. In connection with that, the mere possibility of influencing even significantly the decision-making process resulting in the commission of the crime of aggression does not satisfy the effectiveness standard required by the Statute. The test of effectiveness about the ability to control or direct the political or military action of a State is satisfied when the conduct of a State giving rise to criminal responsibility for the crime of aggression could not have occurred without the commission or omission of the perpetrator (Hajdin 2017, 562–563). The effective control test in the context of criminal responsibility for the crime of aggression requires that the perpetrator holds power to decisively exert influence over the behavior of a State that results in the commission of the act of aggression. This influence consists in the capability of the perpetrator to order the execution of specific actions of political or military state machinery or to forcefully make others execute such actions. Also, one should point out that the phrase “by a person in a position effectively to exercise control over or to direct the political or military action of a State” (article 8*bis* (1) of the Statute) has certain shortcomings, and thus one should not read and, what is more significant, interpret this phrase literally.

First and foremost, the cited provision does not mean that the individual bears criminal responsibility for the crime in question when he can effectively control or direct the political or military action of a State. For example, a high-ranking general has the possibility, by a virtue of his military rank, to exercise effective influence over or direct military action, but this does not make him the perpetrator in the commission of the crime. Also, politicians, especially high-ranking ones, can control political actions according to national legislation. However, this would not make them criminally responsible for the crime of aggression. In a hypothetical situation, a defense minister as a member of the government may have a possibility to exercise effective control over political or military actions but cannot incur criminal responsibility if he did not exercise such control over the action that resulted in aggression. The prerequisite for criminal responsibility is a causal relationship between the ability of the perpetrator to exercise control or direct the action of a State, on the one hand, and the crime of aggression on the other hand. In other words, there must be a link between a political, military, or another position the perpetrator occupies on the one hand, and the action of a State giving rise to criminal responsibility for the crime of aggression on the other (Zimmermann and Freiburg 2015, 592).

The control required for the attribution of criminal responsibility for the crime of aggression thus must be effective regarding its level. Nevertheless, one should not, in any case, assume that the control test is satisfied only when all the control is concentrated in the hands of one person occupying the highest position at the top of the government (Volker 2017, 46). Unified control over the employment of military force belonging to one person can hardly occur even in the most autocratic regimes (Reisinger Coracini and Wrangé 2016, 311).

Hence, the control test is met in the case when control is distributed between different public officials and those acting in the private capacity, on the condition that they can dominate over the political or military actions of a State. In western democracies or countries whose governments are modeled after them, especially those with checks and balances, a single individual cannot acquire and maintain unified control. For example, even in the presidential system, where there is no government in a narrow sense, the president does not have the authority to unilaterally and autonomously decide on waging war, but he needs official authorization from the legislative body. Therefore, equating effective with unified or absolute control would be inconsistent with international (customary) law, constitutional theories, and the letter and the spirit of the Statute.

In sum, even though the test of effectiveness is an apt solution for the Statute, there is, nonetheless, no doubt that the standard of effective control raises the bar for criminal prosecution and conviction since requiring effective control over the specific acts in question is a very demanding threshold.

THE CAPACITY OF THE PERPETRATOR: PUBLIC ACTORS

When defining each criminal offense, one of the essential questions is who can be criminally responsible for the criminal offense in question, namely, does the perpetrator have to act in a specific capacity or to possess certain features differentiating him from others or the perpetrator can be any person regardless of a role in which he committed a crime or his personal properties. Before delving deeper into the leadership requirement of the crime in question, we should bear in mind that modern international criminal law, fortunately, does not turn a blind eye toward the wrongdoing of those who enjoy immunity under international or municipal law. According to article 27 (1), the Statute applies without any discrimination to all individuals without any distinctions based on their official capacity. In other words, the Statute applies regardless of the official status of the perpetrator, which means that official capacity does not absolve the perpetrator from criminal responsibility and subsequent criminal prosecution.

Because of the leadership requirement, the crime of aggression is not only a state crime, but it is also a crime of the highest state political and military leadership. The Statute has envisioned the crime of aggression as a leadership crime attributable only to specific categories of perpetrators who satisfy the prescribed requirements laid down in its text. According to article 8*bis* (1) of the Statute, the crime of aggression is committed “by a person in a position effectively to exercise control over or to direct the political or military action of a State”. The leadership requirement is the special feature of aggression as the crime against international peace that the perpetrator needs to satisfy at the time of the commission of the criminal offense. The so-called leadership clause contained in the Statute states that the perpetrator of the crime in question can be exclusively a person in a position effectively to exercise control over or to direct the political or military action of a State. Leadership in the context of the Statute should be understood as political and military leadership of the State engaging in the act of aggression (Kemp 2015, 180). The cited provision of the Statute is open to different interpretations about the capacity in which the perpetrator commits the crime. Various questions arise concerning the leadership requirement of the crime of aggression regarding who can fulfill this requirement. The Statute does not provide in the first place a precise answer to the question of whose actions give rise to criminal responsibility for the crime of aggression since we can differentiate between the two categories of the perpetrators of the crime in question if we consider the capacity in which they act. Those holding public offices in different branches of government and performing in their official capacity are public actors. There is no doubt that criminal responsibility for the crime of aggression is attributable to political and military leaders and other senior state officials since they can have a decisive or even an ultimate say in the political and military actions of a State (McDougall 2015, 168–183).

Examples of such figures are presidents, prime ministers, and top military leaders such as ministers of defense and commanding generals, that is, high-ranking politicians and military officials, and also civil servants of the highest order. To determine the position of the perpetrator in a State's organization, a workable manner to proceed would be to take into account the national legislation of an alleged aggressor State in the broadest sense (including its Constitution, relevant laws, and subsidiary normative acts such as decrees, regulations, directives, instructions, and even the decision of the courts in common law jurisdictions, etc.) and practices (as far as these may deviate from the legislation), which govern the authorization of the use of force by that State, and to consider indicting individuals who occupy the posts in question accordingly (Sayapin 2014, 223). However, it is wrong to assume that leadership requirement implies collective responsibility of a leadership class or all senior government officials (Kemp 2015, 215). The leadership requirement is one of the main but not the only criteria for attributing criminal responsibility to individuals.

PRIVATE ACTORS

The emphasis on the actual requirement for exercising effective control opens up the possibility for criminal prosecution for participation in the crime of aggression of individuals who do not occupy any formal status in the respective governments of their states. These individuals are so-called private actors since they neither act in the official capacity nor hold public office. There are divided opinions regarding the criminal responsibility of individuals who participate in the crime in question in non-official roles. On the one hand, most scholars opine that private actors, for instance, business leaders and other prominent industrialists, cannot be criminally responsible for participating in the crime of aggression since they cannot fulfill control or direct requirement (Heller 2009, 407). These views draw support from the fact that those acting in private capacities could hardly ever find themselves in a position to control or direct the political or military machinery of a State. Hence, according to these views, individuals acting in the non-official capacity cannot be criminally responsible for the commission of the crime in question since they, by their external statuses that position them outside public offices, cannot have the decision-making power which would enable them to control or direct the behavior of a State.

On the other hand, first and foremost, reading the statutory definition of the crime of aggression or other provisions regarding the crime, one cannot find support for the claim that acting in the official capacity is the prerequisite for bearing criminal responsibility for the crime of aggression. There is no single word in the Statute supporting the view that criminal responsibility for the crime of aggression is circumscribed to public officials exclusively. The post-WWII precedents leave no doubt that individuals acting in private capacity may satisfy objective and subjective elements

of the crime of aggression and consequently bear criminal responsibility for this crime. The United States Military Tribunals at Nuremberg dealt with the criminal prosecution of leading German Nazi industrialists in the I. G. Farben and Krupp cases for their participation in crimes against peace (May 2008, 185–204).

The concerned industrialists accused of crimes against peace were not formally members of the government but were nevertheless very closely associated with it. The essence of these cases was whether civilian heads of major companies that during WWII provided armaments and vital economic products to the Army and Navy of the Third Reich were accomplices in the waging of aggressive war (May 2008, 185).

In the I. G. Farben case, the reason for the acquittal was that the prosecution had not been able to establish beyond reasonable doubt that the activities of all the defendants related to armaments “were undertaken and carried out with the knowledge that they were thereby preparing Germany for participation in an aggressive war” (McDougall 2015, 194). What is more, the court in Farben held that the capacities in which the defendants participated in crimes against peace were that of followers, not of leaders (Farben case, 1126). When it comes to the Krupp case, the crimes against peace charges had also failed because the defendants did not satisfy the leadership requirement (Heller 2011, 188). According to the concurrence of Judge Anderson none of the defendants:

had any voice in the policies that led their nation into aggressive war; nor were any of them privies to that policy. None had any control over the conduct of the war or any of the armed forces; nor were any of the parties to the plans under which the wars were waged (USA v. Alfried Felix Alwyn Krupp von Bohlen and Halback *et al.*, Trials of War Criminals Before the Nuremberg Military Tribunals under Control Council Law No. 10 (1950), Vol. IX (Krupp case), Anderson Concurrence, 449).

Even though the Tribunals acquitted the accused civilians in particular cases, they clarified that private actors are subject to criminal prosecution and conviction for crimes against peace, that is, the crime of aggression, on the condition that they meet all the objective and subjective elements of the crime. The Tribunal in the Krupp case even emphasized that “[w]e do not hold that industrialists, as such, could not under any circumstances be found guilty upon such charges” (Krupp case, 398). Therefore, turning to the statutory definition of the crime of aggression, while bearing in mind the aforementioned cases, considering the crime in question, the focus is on the fact that the power that the perpetrator holds enables him to control or direct the behavior of a State, notwithstanding the formal position or office he occupies in the hierarchy of government. As we have clarified, the definition of article 8*bis* (1) – “a person in a position effectively to exercise control over or to direct the political or military action of a State” – concentrates on factual effective control and direction rather than formal

status (Ambos 2014, 205). Hence, besides political and military leaders falling under the category of public actors, who can also hold informal power, economic, social, and even religious leaders may have the ability to effectively control or direct the political or military operations of a State and thus fulfill the leadership requirement which makes them responsible for the crime of aggression (Sayapin 2014, 223–226).

When it comes to the criminal responsibility of private actors for the crime of aggression, Hajdin (2017, 565) made a point worth considering. In a state governed like a dictatorship, private persons, such as family members, close friends, and confidants, may exert an enormous influence on a dictator holding ultimate power. These persons may be more influential in the eyes of a tyrant even than prominent party members or the highest government or military officials. For instance, when it comes to Adolf Hitler, it has been widely acknowledged that his female companion Eva Braun was the most significant figure in his life (Hajdin 2017). However, no matter the extent to which these private figures exert influence on a potentate, they cannot bear criminal responsibility since they do not have the power to control or direct the behavior of a State in question, which is another argument in favor of adopting the stricter control or direct test instead of broader shape or influence standard (Hajdin 2017).

All in all, one can conclude that both public and private actors can be held criminally responsible for the participation in the crime of aggression on the condition of meeting specified requirements laid down in the text of the Statute, albeit proving the existence of effective control of private actors over political or military actions may pose a demanding challenge for the acting prosecutor. As we have seen, the criminal responsibility of private actors for the crime in question is in line with the post-WWII precedents and the wording and intent of the Statute, and it should be therefore indisputable. However, proving effective control is the issue that concerns the procedural aspects of the crime of aggression, not the substantive ones, and thus transcends the boundaries of this analysis.

MODES OF PARTICIPATION

After examining the capacity in which the perpetrator can commit the crime of aggression, and after acknowledging that more than one perpetrator may be involved in the commission of the crime of aggression depending on the circumstances of each crime, there is a need to address the issue of complicity in the crime of aggression. If we read the statutory definition of the crime of aggression, we can wrongly conclude that only one person can bear criminal responsibility for an individual crime of aggression, thereby excluding the criminal responsibility of other wrongdoers who participated in the commission of the crime. However, that is not the case considering that the Elements leave no doubt in that regard by stipulating that more than one person can meet criminal requirements for the crime of aggression (article 8*bis* Elements of the

Crime of Aggression fn. 75). The demand to extend the criminal responsibility for the crime of aggression to other perpetrators besides the perpetrator occupying the top leadership positions has been recognized in the aftermath of the Second World War. Other perpetrators cannot absolve themselves from criminal responsibility by simply claiming that they performed their actions under the orders of a potentate who had concentrated all the power in his hands, making them the mere executioners of the crime of aggression he had previously constructed in his mind,

Hitler could not make aggressive war by himself. He had to have the cooperation of statesmen, military leaders, diplomats, and businessmen (...) That they were assigned to their tasks by a dictator does not absolve them from responsibility for their acts. The relation of the leader and the follower does not preclude responsibility here any more than it does in the comparable tyranny of organized domestic crime (United States *et al.* v. Hermann Wilhelm Göring *et al.*, International Military Tribunal, Trial of the Major War Criminals Before the International Military Tribunal (1950) (Nuremberg Judgment, 223).

Hence, according to the view of the IMT, being a member of an exclusive leadership circle was not a requirement for attribution of criminal responsibility for crimes against peace (McDougall 2015, 170). The perpetrators exercising effective control over a political or military action in the sense of the relevant provisions of the Statute are the members of the leadership circle or *extranei*.

The other question arising from the leadership requirement is whether individuals outside the leadership circle could bear the criminal responsibility and subsequently face criminal prosecution for the crime of aggression. In other words, the question is, hence, who, if any, can participate in the crime of aggression outside those belonging to the leadership circle, that is, who can be the secondary perpetrator of the crime in question. The Statute recognizes different modes of participation in the commission of crimes that fall within its jurisdiction. These modes of participation give rise to various forms of individual criminal responsibility under the Statute. The individuals who plan, prepare, initiate or execute the act of aggression are the primary or principal perpetrators of the crime. Perpetrators who participate in the commission of the crime in any other way are secondary.

Article 25 of the Statute dealing with the general rules of individual criminal responsibility also applies to the crime of aggression. According to the wording of article 25(3), there are different modes of participation in the crimes that give rise to individual criminal responsibility under the Statute. Besides the commission of the crime (article 25(3)(a)), ordering, soliciting, and inducing also give rise to criminal responsibility for the statutory crime (article 25(3)(b)). Additionally, the person is criminally responsible for the statutory crime when aids, abets, or otherwise assists in its commission or its

attempted commission, including providing the means for its commission, on the condition that these acts are undertaken for the purpose of facilitating the commission of such a crime (article 25(3)(c)). Last but not least, article 25(3)(d) of the Statute criminalizes contribution to the commission or attempted commission of crimes by a group of persons acting with a common purpose in any other way besides those previously listed.

Nonetheless, the new definition of the crime of aggression as a leadership crime created one of the main systemic problems concerning its relationship to article 25 of the Statute dealing with individual criminal responsibility (Heinsch 2010, 733). Governing the modes of participation concerning the crime of aggression poses a special challenge because of the leadership requirement.

The abovementioned provisions seemingly allow for the prosecution of those outside the leadership circle for the crime of aggression. However, intending to reconcile the modes of participation with the leadership requirement of the crime in question, the State Parties have added the new provision to article 25(3) of the Statute that confines the modes of participation to those fulfilling the control or direct requirement. According to added article 25 (3)*bis*, as for the crime of aggression, the provisions of article 25 shall apply only to persons in a position effectively to exercise control over or to direct the political or military action of a State. The solution in question allows the prosecutors and the judges to employ the general provisions dealing with individual criminal responsibility, while at the same time ensures that the crime of aggression remains a leadership crime (Heinsch 2010, 732-733).

The answer to the posed question regarding the possibility of attributing criminal responsibility to outsiders should be negative since, concerning the crime in question, the Statutory provisions governing individual criminal responsibility for other forms of participation in crimes stipulate that they apply only to individuals exercising effective control of political or military actions or who are being able to direct such actions. We can conclude from this that the other modes of participation in the crime of aggression are possible, albeit confined to those belonging to the leadership circle.

Following this line of thought, individuals that do not exercise effective control over political or military actions of aggressor states cannot be prosecuted for participating in the commission of the crime of aggression because they do not satisfy the control or direct requirement. The leadership requirement applies not only to the principal or primary perpetrator but also to all other forms of participation, meaning that only a narrow class of individuals who fall under the scope of the leadership clause could incur criminal responsibility for the participation in the crime of aggression (Ambos 2013, 171). Therefore, articles 8*bis* (1) and 25 (3)*bis* of the Statute confine the individual criminal responsibility for the crime in question to persons "in a position effectively to exercise control over or to direct the political or military action of a State" (Kress 2016, 9).

Hence, the difference between the primary and the secondary perpetrators consists only in the acts they perform, not in the level of control they have to exercise since a certain level of control is necessary regarding all the perpetrators of the crime of aggression. Accordingly, outside the leadership circle, there is no criminal responsibility for the crime of aggression and no criminal prosecution. Despite the extent to which a person contributes to the commission of the crime of aggression, even though that person satisfies all other objective and mental elements of the crime in question, such a person will be exempted from criminal responsibility if he does not satisfy the leadership requirement. The rank-and-file soldier executing the orders of his superiors while acting as the executioner in the concentration camp can be criminally responsible for the crime of genocide or crimes against humanity; nonetheless, the same soldier cannot be held criminally responsible for the crime of aggression, according to the present solution governing the crime in question. Also, for instance, it would seem impossible to accuse of aggression the pilots carrying out air raids in foreign territory in the execution of an aggressive plan (Cassese 2007a, *loc. cit.*). However, the prescription of the leadership requirement, as laid down in the Statute, regarding all modes of participation has attracted heavy criticism since such an approach ensures extensive exemption from the responsibility of everybody who does not belong to the top leadership circle (Ambos 2010, 21–22).

Also, employing the leadership clause to all modes of participation regarding the crime of aggression is inconsistent with general criminal law theory since the very nature of aiding and abetting typologies consist in the fact that individuals in those categories, as a rule, do not share the characteristics or circumstances of the principal perpetrator (Kemp 2015, 180). Hence, the extension of the leadership clause to all modes of participation makes questionable the practical importance of provisions regarding individual criminal responsibility to accomplices in the crime. For example, those who would have facilitated the commission of the crime of aggression, regarding the planning of it, would be military advisers. Even though there is no doubt that they can significantly contribute to the commission of the crime, albeit not decisively, they can hardly fulfill the leadership requirement of effective control or direct since they lack the power to influence the behavior of a State.

On the other hand, the criminalization of the conduct of the low-level perpetrators for participation in the crime of aggression would not suffice the already well-established requirements stemming from international (customary) law in terms of the leadership nature of the crime (Turkovic and Vajda 2016, 867). Leaving out the difference concerning criminal responsibility for the crime of aggression and other crimes would open Pandora's box. For example, the criminal legislation of the Republic of Croatia has not confined the circle of perpetrators for the crime in question to the top leadership echelon (Turkovic and Vajda 2016, 865–867). Nevertheless, in the Republic of Croatia, domestic scientific and expert authorities have harshly criticized the

abovementioned solution (Degan 2011, 280). The exclusion of low-level and mid-level perpetrators is also prudent for purely practical reasons. If actions of all those who participate in the execution of the act qualified subsequently as the crime of aggression, military and civil staff members in the armed forces of the aggressor State would become criminals automatically, and, what is more, many combatants and civilians would face criminal prosecution even though they acted according to the regular description of their tasks (Dinstein 2011, 142). For example, the ordinary duty of the foot soldier is to follow the orders of his superiors which includes, among other things, engaging in combat against enemies. Participating in the war is not by definition a crime if the combatants behave according to the *jus in bello*. While each soldier knows that it is wrong to execute civilians or engage in torture, which may give rise to criminal responsibility for crimes against humanity or war crimes, the same does not apply to the crime of aggression from the perspective of the rank-and-file soldier. To be more specific, firing shots toward enemies in the war can be a part of the act of aggression. If the soldier is faced with the fact that he may be criminally responsible for the execution of his usual and ordinary tasks, he may become reluctant to execute the orders of his superiors. Also, it would be virtually impossible to prove *mens rea* of mid-level and low-level participants needed for their conviction considering the high threshold stemming from the leadership requirement since the aggression includes policymaking at the highest level of the government (May 2008, 268).

Article 28 of the Statute has introduced the criminal responsibility of commanders and other superiors for the crimes committed by the forces under their "effective command and control, or effective authority and control". When it comes to the crime of aggression, however, the doctrine of superior (command) responsibility does not bear any practical relevance since this crime is, by definition, the crime of the highest political or military establishments, that is to say, superiors, that cannot be committed in any event by their subordinates (Weisbord 2009, 57). The doctrine of superior responsibility is thus inapplicable about the participants in the crime of aggression as a consequence of the leadership requirement. This approach is sensible considering that there is the consensus that only persons who have the decision-making power to influence policy (which usually presupposes holding a relevant position of formal governmental power) may incur criminal responsibility for the crime of aggression since it is the very principle of *respondent superior*, according to which superiors bear responsibility for the conduct of their subordinates (Grzebyk 2013, 211).


CONCLUSION

The leadership requirement examined above distinguishes the crime of aggression from other crimes within the purview of the International Criminal Court, namely, genocide, crimes against humanity, and war crimes. This requirement, therefore, 'bestows' the crime of aggression its personality, and individuality.

The leadership requirement is thus the defining and special feature of the crime of aggression injected into the Rome Statute of the International Criminal Court because of the complex dual nature of the crime itself. This requirement is an objective element of the crime in question that can be considered a conduct element or a circumstance element depending on the particulars of each specific individual crime of aggression.

As regards the leadership requirement of the crime of aggression and the manner the State Parties have incorporated it in the Statute, the analyzed clause presents a compromise between the post-WWII standards and precedents of military tribunals and the contemporary scholarship and achievements of international criminal law and international (customary) law on the other hand. In plain language, the leadership clause has been incorporated with the reconciliatory aim to bring together the post-WWII precedents and understandings of contemporary international criminal law concerning the crime of aggression.

The leadership clause requires that the perpetrator occupied a defined role *tempore criminis* regardless of whether he had found himself in that role voluntary or involuntary from his perspective. The key to understanding the leadership requirement, thus, lies in the deciphering of the material test of effectiveness. Additionally, there must be a link between a political, military, or another position the perpetrator occupies on the one hand, and the action of a State giving rise to criminal responsibility for the crime of aggression on the other. The test of effectiveness about the ability to control or direct the political or military action of a State is satisfied when the conduct of a State giving rise to criminal responsibility for the crime of aggression could not have occurred without the commission or omission of the perpetrator. The effective control test in the context of criminal responsibility for the crime of aggression requires that the perpetrator holds power to decisively exert influence over the behavior of a State that results in the commission of the act of aggression. However, the control in question does not need to be absolute or unified in one person. Additionally, it is worth observing that both so-called public and private actors can satisfy the requirements stemming from the leadership clause. As we have seen, the leadership requirement also applies to all other modes of participation in the crime of aggression in addition to commission. Albeit the issues arising from the leadership requirement are primarily substantive and theoretical according to their nature, they have significant practical ramifications.

First and foremost, direct or control, as a constitutive element of the leadership requirement, is a highly demanding threshold that would burden the acting prosecutors when he is in criminal proceedings in front of the Court trying to prove the participation in the crime of aggression. Last but not least, as we have seen, the leadership requirement exempts all the low-level and mid-level perpetrators from criminal responsibility for their participation in the commission of the crime of aggression. In so doing, the Statute limits criminal responsibility for this crime to a narrow class of individuals belonging to the top leadership echelons. Albeit this solution attracts harsh criticism, it is nonetheless an apt approach that satisfies international (customary) and the standards of contemporary (international) criminal law. 

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FACTORS AFFECTING THE SHARE OF FAKE NEWS ABOUT COVID-19 OUTBREAK ON SOCIAL NETWORKS IN VIETNAM

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Abstract: *In recent days in Vietnam, the amount of fake news spreading online about the Covid-19 epidemic has shown signs of increasing, causing information confusion and complicating the situation. This fact has received significant attention from scientists. To supplement the evidence of previous studies, enrich the research literature and make policy recommendations to the Government, this study explores the factors influencing the sharing of fake news on social networks. This study was conducted through a cross-sectional survey using an intentional sampling technique (n = 200) multivariate linear regression analysis technique was applied to prove the hypotheses. Research results show that the factors of altruism, entertainment, socialization, self-promotion, and instant information sharing have a positive and meaningful impact on sharing fake news about Covid_19 on social networks.*

Keywords: *Altruism; Instant News; Self-Promotion; Socialization; Fake News; Covid-19; Entertainment; Vietnam*

INTRODUCTION

The World Health Organization (WHO) has stressed that misinformation spreads rapidly through social media and poses a severe threat to the Covid-19 response. A person's trust in online information and perceived information overload are strong predictors of unverified information sharing to reduce the spread of Covid-19 misinformation and cyber disease, and measures should be taken to promote healthy skepticism about health news while protecting against information overload (Laato *et al.* 2020). Social media plays a vital role in pandemics like Covid-19, as it allows people to share news and personal experiences and perspectives with each other in real-time, globally. However, the various uses of social media lead to problematic consequences namely increased sharing of misinformation (Islam, Laato, Talukder, and Sutinen 2020). During the early stages of the Covid-19 outbreak, they are raising the response rate of the media reporting on the severity of Covid-19 and raising the response rate of public awareness to media reports. Besides improving medical literacy, media coverage can be an effective way to reduce disease spread in the early stages of an outbreak (Zhou, Wang, Xia, Xiao, and Tang 2020).

Fake news in journalism is not new; neither is confirmed the news that undermines trust in journalism (McNair 2017). Social media is a double-edged sword. On the one hand, low cost, easy access, and rapid dissemination of information make people search and view news from social media. On the other hand, it allows the widespread dissemination of 'fake news', i.e. low-quality news with purposeful misinformation. The widespread fake news can negatively impact individuals and society (Shu, Sliva, Wang, Tang, and Liu 2017). The problem is that information literacy is more helpful in preventing misinformation than the concepts of digital literacy, media literacy, and digital literacy about the news. Information literacy skills with information verification and backed by scientific knowledge can recognize Covid-19 misinformation, preventing individuals from believing possible misinformation leads to errors in action. Dissemination of scientific information requires practical intervention with the public, one of which is through the role of educational institutions (Khan and Idris 2019). Social media users' motivations for information sharing, socialization, information seeking, and time passing predicted the sharing of Covid-19 misinformation (Tasnim, Hossain, and Mazumder 2020). In Vietnam, over the past time, the spread of fake news and false information about the pandemic and the prevention and control of the Covid-19 has shown signs of increasing, with the main focus on inciting regions, dividing the significant national unity bloc; spreading false information about the effectiveness of Covid-19 vaccines, misrepresenting the government's vaccine allocation and supply policy, the use of the Covid-19 Vaccine Fund; disease developments in hot spots such as Ho Chi Minh City and southern provinces; misrepresenting the pandemic prevention and control measures of the government and localities. Much of the information comes

from video clips of people in quarantine; people in the area are isolated and blocked. The appearance of malicious information and many 'spontaneous' video clips that are widely distributed in cyberspace has reduced people's confidence in disease prevention and control, causing confusion and anger in public opinion. This fact requires quantitative research to uncover why people share news on social media. Through usage and satisfaction theory, we investigate the factors that influence the intention to share fake news about Covid-19 on social media, thereby having policy implications for the Vietnamese government.

LITERATURE REVIEW

Many factors affect the spread of fake information in general and fake information about Covid-19 in particular. Based on the research of Apuke and Omar (2020), we identify the following factors that influence the spread of fake news about Covid 19 on social networks.

Altruism

Altruism became the significant positive driver of information-sharing intentions on Facebook (Plume and Slade 2018) influence on information sharing, spontaneous acquisition of knowledge from members (Fang and Chiu 2010), buoyant, direct, and significant impact on the online knowledge sharing (Ma and Chan 2014), affect on emotion and relevance and the intention to give advice or warning is the cause of spreading fake news (Duffy, Tandoc, and Ling 2019). Based on these findings, we will explore whether, in Vietnam, people share news about Covid-19 on social media because they enjoy helping others and feel like they can help those who need help others solve their problems, want to inspire and encourage others, want to inform others and advise others or not.

Entertainment

Entertainment factors on enjoyment and interpersonal connectivity predict social media use (Mäntymäki and Islam 2016; Rieger and Klimmt 2019; Vuori and Okkonen 2012). With the current pandemic, we are more isolated than ever. It can affect our psychological health and sense of community. Social media and electronic platforms provide a solution to this problem. Thus, members of the younger generation often share humor and laughter electronically (Chiodo, Broughton, and Michalski 2020; Islam, Laato, Talukder, and Sutinen 2020; Lee, Ma, and Goh 2011). Based on these findings, we will explore whether people share stories about Covid-19 on social networks in Vietnam because it is entertaining, funny, exciting, and refreshing.

Socialization

The socialization factor affecting news sharing on social networks has become a phenomenon of increasing social, economic, and political importance as individuals can now participate in product news and spread it in vast global virtual communities. Information-seeking, socializing, and status-seeking joy are more likely to share news on social media platforms (Lee and Ma 2012; Chang, Liu, and Shen 2017), socialization is a significant predictor of attitudes towards news sharing (Sihombing 2017; Lee, Ma, and Goh 2011). Technology user motivations and the social circumstances that users choose and using technology are helpful to fully understand the dynamics of choosing and using a particular technology to share information (Park and Chung 2012; Wasserman and Madrid-Morales 2019; Karnowski, Leonhard, and Kümpel 2018). Based on these findings, we explore the question of whether, in Vietnam, people share stories about Covid-19 on social media because talking about something with others feels be relevant to what is going on with others, can interact with others effectively by sharing news and exchanging ideas with others, and helping to stay in touch with others.

Self-Promotion

Self-promotion increases the sharing of misinformation (Islam, Laato, Talukder, and Sutinen 2020; Thompson, Wang, and Daya 2019). Self-promotional people motivated by information-seeking, socializing, and status-seeking pleasures are more likely to share news on social media platforms (Lee and Ma 2012; Islam, Mäntymäki, and Benbasat 2019; Talwar, Dhir, Kaur, Zafar, and Alrasheedy 2019).

Based on these findings, we explore whether, in Vietnam, people share stories about Covid-19 on social media because it helps impress others and helps self-expression feel essential, and helps convey the desired image of them.

Instant News Sharing

People biased towards instant information sharing are positive towards fake news sharing due to lack of time (Talwar, Dhir, Singh, Virk, and Salo 2020; Tandoc, Jenkins, and Craft 2018; Chen, Sin, Theng and Lee 2015). Based on these findings, we explore the question of whether, in Vietnam, people immediately share stories about Covid-19 on social media because it can be helpful to others, to receive feedback on information found, to provide instant information, to share practical knowledge or skills with others, and to disseminate information that may be of interest to others.

Fake News Sharing on Covid-19

Building on research by Chadwick and Vaccari (2019) and Talwar *et al.* (2019), we will explore the question of whether participants share news on social networks mediated by Covid-19, which later turned out to be a hoax, fabricated, exaggerated at the time of sharing, did not check facts through reliable sources and did not verify its authenticity. With the research overview, the authors have built a research model about what is shown in Figure 1.

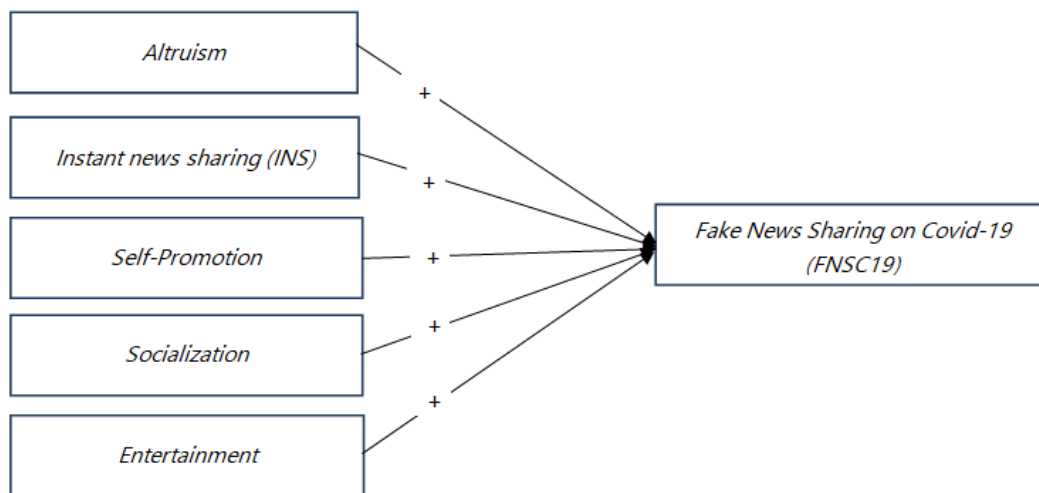


Figure 1: The Research Model (Source: Chadwick and Vaccari 2019)

HYPOTHESES

Based on the research model, the following hypotheses were formed:

H1: The factor of altruism has a positive and meaningful impact on fake news sharing on Covid-19

H2: The instant news sharing factor has a positive and meaningful impact on fake news sharing on Covid-19

H3: The self-promotion factor has a positive and meaningful impact on fake news sharing on Covid-19

H4: The socialization factor has a positive and meaningful impact on fake news sharing on Covid-19

H5: The entertainment factor has a positive and meaningful impact on fake news sharing on Covid-19

METHODOLOGY

Research Samples and Methods

To carry out this study, the authors conducted a survey, collecting opinions of the study participants in two steps: preliminary investigation and formal investigation.

Preliminary Investigation

The research team used a qualitative method by in-depth interviews with educational and psychologist researchers to adjust the research scale and improve the questionnaire to suit the characteristics of the survey area.

The questionnaire was built based on the results of the research overview and experts' opinions, including two parts. Part 1 collects demographic information of study participants such as age, gender, and occupation. Part 2 collects information about spreading fake information about Covid-19 on social networks. The month built by Apuke and Omar (2020) includes 28 items divided into 6 factors including Altruism = 5 items, Instant News Sharing (INS) = 5 items, Self-Promotion = 4 items, Socialisation = 5 items, Entertainment = 4 items, and Fake News Sharing on Covid-19 = 5 items.

The English questionnaire was translated into Vietnamese by two professional interpreters. A single Vietnamese version was created after discussion and final consensus between the translators and the principal investigator. A bilingual professional expert in public health contributed to this version to create a final version. This final version was pre-tested on 40 participants selected to represent age, sex, and occupation demographically.

During the assessment, participants were asked to complete this final version. Minor corrections followed to improve the question structure for better understanding, and the final Vietnamese version was completed using the official survey.

Official Investigation

Officially participating in the study were adults living in Hanoi who have been using social networks for a long time. The study period is July 2020. The questionnaire was sent directly to the respondents by non-random sampling method by email. As a result, 200 good votes were obtained, achieving a response rate of 100% demographic information of study participants (Table 1).

Table 1: Demographic Characteristics of Survey Participants (Source: Authors' specification)

				Mobile Social Networking Apps							
				Facebook		Tiktok		Twitter		Zalo	
				Count	Row N %	Count	Row N %	Count	Row N %	Count	Row N %
Age	20-30 years old			2	100.0%	0	0.0%	0	0.0%	0	0.0%
	31-40 years old			42	67.7%	7	11.3%	2	3.2%	11	17.7%
	41-50 years old			47	69.1%	6	8.8%	0	0.0%	15	22.1%
	Above 50 years old			42	61.8%	7	10.3%	0	0.0%	19	27.9%
Gender	Female			71	66.4%	12	11.2%	0	0.0%	24	22.4%
	Male			62	66.7%	8	8.6%	2	2.2%	21	22.6%
Mobile Social Networking Apps	Facebook	Occupation	Manager	50	100.0%	0	0.0%	0	0.0%	0	0.0%
			Officer	23	100.0%	0	0.0%	0	0.0%	0	0.0%
			Student	25	100.0%	0	0.0%	0	0.0%	0	0.0%
			Teacher	24	100.0%	0	0.0%	0	0.0%	0	0.0%
			Worker	11	100.0%	0	0.0%	0	0.0%	0	0.0%
	Tiktok	Occupation	Manager	0	0.0%	7	100.0%	0	0.0%	0	0.0%
			Officer	0	0.0%	4	100.0%	0	0.0%	0	0.0%
			Student	0	0.0%	3	100.0%	0	0.0%	0	0.0%
			Teacher	0	0.0%	4	100.0%	0	0.0%	0	0.0%
			Worker	0	0.0%	2	100.0%	0	0.0%	0	0.0%
	Twitter	Occupation	Student	0	0.0%	0	0.0%	1	100.0%	0	0.0%
			Teacher	0	0.0%	0	0.0%	1	100.0%	0	0.0%
	Zalo	Occupation	Manager	0	0.0%	0	0.0%	0	0.0%	15	100.0%
			Officer	0	0.0%	0	0.0%	0	0.0%	10	100.0%
			Student	0	0.0%	0	0.0%	0	0.0%	7	100.0%
			Teacher	0	0.0%	0	0.0%	0	0.0%	8	100.0%
			Worker	0	0.0%	0	0.0%	0	0.0%	5	100.0%
Number of Years Using Social Networking Apps	0 Above			0	0.0%	0	0.0%	0	0.0%	1	100.0%
	1 Above			1	33.3%	1	33.3%	0	0.0%	1	33.3%
	1 years			5	71.4%	1	14.3%	0	0.0%	1	14.3%
	2 Above			10	58.8%	1	5.9%	0	0.0%	6	35.3%
	2 years			24	72.7%	3	9.1%	0	0.0%	6	18.2%
	3 Above			18	69.2%	2	7.7%	0	0.0%	6	23.1%
	3 years			41	69.5%	5	8.5%	1	1.7%	12	20.3%
	4 Above			10	58.8%	2	11.8%	0	0.0%	5	29.4%
	4 years			15	60.0%	3	12.0%	1	4.0%	6	24.0%

	5 Above	2	100.0%	0	0.0%	0	0.0%	0	0.0%
	5 years	5	83.3%	0	0.0%	0	0.0%	1	16.7%
	6 Above	1	50.0%	1	50.0%	0	0.0%	0	0.0%
	6 years	1	50.0%	1	50.0%	0	0.0%	0	0.0%

RESULTS

The R Programming language is used to analyze the reliability of the scale and the discovery factor. The analysis results suggest removing and merging some observed variables to help the scale evaluate concepts more accurately.

Analyzing the Reliability of the Scales

They are testing the scales through Cronbach's Alpha reliability coefficient to identify and remove junk variables to avoid creating misleading factors when analyzing exploratory factor analysis. Cronbach's Alpha coefficient has a variable value in the interval [0,1]. If a measurement variable has a total correlation coefficient of Corrected Item - Total Correlation ≥ 0.3 , that variable meets the requirements (Cronbach 1951; Taber 2018). The verification criterion is that the Cronbach's Alpha coefficient must be greater than 0.6, and the correlation coefficient of the sum variable in each scale must be greater than 0.3 (Hair, Black, Babin, and Anderson 2010). Table 2 shows that the scales of the factors are all standard. Therefore, all the scales of the factors are reliable and used for subsequent factor analysis. The Fake news sharing on the COVID-19 factor alone was excluded from the model because of Cronbach Alpha < 0.500 .

Table 2: Summary of Reliability and Relative Minimum Variables of Scales (Source: Authors' calculations)

Scales	Number of Variables Observed	Reliability Coefficients (Cronbach Alpha)	The Correlation Coefficient of the Smallest Total Variable
Altruism	5	0.826	0.589
Instant News Sharing (INS)	5	0.798	0.563
Self-Promotion	4	0.769	0.552
Socialisation	5	0.790	0.495
Entertainment	4	0.786	0.567
Fake News Sharing on COVID-19 (FNCS19)	5	0.813	0.542

After testing Cronbach's Alpha, the author uses exploratory factor analysis (EFA) to preliminary evaluate the scales' unidirectional, convergent, and discriminant values. EFA was used by extracting the Principal Components Analysis Factor and Varimax

rotation to group the factors. With a sample size of 200, the factor loading factors of the observed variables must be greater than 0.5; variables converge on the same factor and are distinguished from other factors. In addition, the Kaiser-Meyer-Olkin coefficient (KMO) is an index used to consider the adequacy of factor analysis that must be in the range $0.5 \leq \text{KMO} \leq 1$ (Cerny and Kaiser 1977; Kaiser 1974). The analysis results in Table 3 show that all factor loading coefficients of the observed variables are greater than 0.5; Bartlett test with Sig meaning. = 0.000 with KMO coefficient = 0.88. All 28 items using EFA are extracted into six factors with Eigenvalues greater than one and Cumulative variance percent = 61%. Thus, the research model consisting of 5 independent variables and one dependent variable is used for linear regression analysis and subsequent hypothesis testing.

Table 3: Exploratory Factor Analysis (Source: Authors' calculations)

Principal Components Analysis										
Call: principal(r = datal, nfactors = 6, rotate = "varimax")										
Standardized loadings (pattern matrix) based upon correlation matrix										
	item	RC2	RC1	RC3	RC4	RC5	RC6	h2	u2	com
INS4	9	0.73						0.60	0.40	1.3
INS2	7	0.72						0.58	0.42	1.3
INS1	6	0.70						0.55	0.45	1.3
INS3	8	0.66						0.54	0.46	1.5
INS5	10	0.65						0.56	0.44	1.7
FNESC193	26		0.76					0.66	0.34	1.3
FNESC191	24		0.70					0.60	0.40	1.5
FNESC192	25		0.68					0.62	0.38	1.8
FNESC194	27		0.67					0.53	0.47	1.4
FNESC195	28		0.63					0.56	0.44	1.9
Altruism2	2			0.78				0.65	0.35	1.1
Altruism1	1			0.72				0.58	0.42	1.2
Altruism4	4			0.71				0.63	0.37	1.6
Altruism3	3			0.65				0.58	0.42	1.8
Altruism5	5			0.63				0.62	0.38	2.2
Socialisation1	15				0.78			0.65	0.35	1.1
Socialisation2	16				0.70			0.65	0.35	1.7
Socialisation3	17				0.63			0.57	0.43	2.0
Socialisation5	19				0.61			0.54	0.46	2.0
Socialisation4	18				0.50			0.47	0.53	2.7
Entertainment4	23					0.71		0.66	0.34	1.7
Entertainment2	21					0.70		0.65	0.35	1.7
Entertainment1	20					0.66		0.58	0.42	1.7
Entertainment3	22					0.64		0.58	0.42	2.0
Selfpromotion1	11						0.70	0.63	0.37	1.6
Selfpromotion2	12						0.69	0.64	0.36	1.7
Selfpromotion3	13						0.67	0.60	0.40	1.7
Selfpromotion4	14						0.67	0.57	0.43	1.6
		RC2	RC1	RC3	RC4	RC5	RC6			
SS loadings		3.01	3.00	2.99	2.69	2.53	2.46			
Proportion Var		0.11	0.11	0.11	0.10	0.09	0.09			
Cumulative Var		0.11	0.21	0.32	0.42	0.51	0.60			
Proportion Explained		0.18	0.18	0.18	0.16	0.15	0.15			
Cumulative Proportion		0.18	0.36	0.54	0.70	0.85	1.00			
Mean item complexity = 1.6										
Test of the hypothesis that 6 components are sufficient.										
The root mean square of the residuals (RMSR) is 0.05 with the empirical										
chi square 376.79 with prob < 9.2e-10										
Fit based upon off diagonal values = 0.97										

Pearson Correlation Analysis

The author uses Pearson correlation analysis to analyze the correlation between quantitative variables. Figure 2 shows that, at the 5% level of significance, the correlation coefficient shows that the relationship between the dependent and independent variables is statistically significant (Sig. < 0.05). The magnitude of the correlation coefficients ensures that multicollinearity does not occur. Therefore, other statistics can be used to verify the relationship between variables.

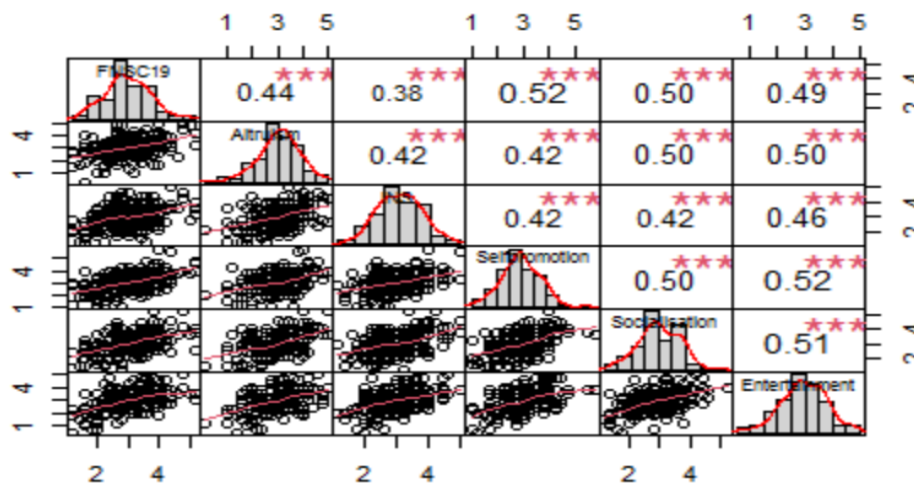


Figure 2: Pearson Correlation Analysis Results (Source: Authors' calculations)

Regression Analysis

The authors conduct a multivariable linear regression analysis on the relationship between 5 independent variables: Altruism, INS, Self-Promotion, Socialisation, and Entertainment, and one dependent variable, FNSC19. Table 4 shows that the model has $R^2 = 0.394$, showing that the built linear regression model fits the data set. The results show that all five independent variables have a positive and significant impact on the dependent variable. Table 4 shows that, with 95% confidence, the hypotheses proposed by the research team are accepted. Specifically, the variable Self_promotion has the most substantial effect on the variable FNSC19 with $\beta = 0.265$, the variable Entertainment with $\beta = 0.161$, the variable Altruism with $\beta = 0.124$. The weakest effect is the variable INS with $\beta = 0.062$. With this result, the hypotheses proposed by the research team are accepted.

Table 4: The Results of Multiple Linear Regression Analysis (Source: Authors' calculations)

Dependent variable:	
FNSC19	
Altruism	0.124* (0.069)
INS	0.062 (0.074)
Selfpromotion	0.265*** (0.071)
Socialisation	0.215*** (0.078)
Entertainment	0.161** (0.073)
Constant	0.505** (0.238)
Observations	200
R2	0.394
Adjusted R2	0.378
Residual Std. Error	0.648 (df = 194)
F Statistic	25.179*** (df = 5; 194)
Note: *p<0.1; **p<0.05; ***p<0.01	

CONCLUSION

The results show that all five factors (Altruism, Instant News Sharing, Self-promotion, Socialisation) positively and significantly impact fake news sharing on Covid-19. This result is similar to the finding of (Apuke and Omar 2020). Notably, the Self-promotion and Socialisation factors have the most substantial impact on fake news sharing on Covid-19. The factors Entertainment, Altruism affect the factor fake news sharing on Covid-19 to a lesser extent. Finally, the factor INS has the weakest impact on the variable fake news sharing on Covid-19. From this result, the research team made the following:

Firstly, the spread of fake news about Covid-19 in Vietnam in recent years has been most strongly influenced by two factors of Self-promotion and Socialization factor, secondly, by the Entertainment factor and Altruism factor. The weakest effect is the INS factor. This result goes against the qualitative articles published in Vietnam in the past, which have focused on causes such as likes, fraud, and political factors against the Vietnamese government's anti-epidemic method.

Second, official Covid_19 information needs to be shared widely to the public domain through social media. It will reduce the spread of fake news about cure and prevention tips found online (Apuke and Omar 2020). Official information was the most vital driver in predicting news-sharing intentions, followed by socialization and status-seeking (Lee, Ma, and Goh 2011).


Third, social media plays a vital role during pandemics like Covid-19, as it allows people to share news and personal experiences and views with each other in real-time, globally is undeniable. However, the various uses of social media lead to problematic consequences namely increased sharing of misinformation (Islam, Laato, Talukder, and Sutinen 2020). The model we propose above predicts the sharing of misinformation about Covid-19 in Vietnam.

Fourth, the Government of Vietnam needs to focus on communicating information literacy skills and how to verify scientific information to recognize misinformation about COVID-19 so that it can prevent individuals from believing it. Misinformation can lead to errors in anti-pandemic action. Disseminating scientific information about Covid_19 requires practical intervention with the public, one of which is through the role of educational institutions (Khan and Idris 2019).

In short, in Vietnam, people share news about Covid-19 on social media because they like to support others, feel they can help others with their problems, want to inspire and encourage others, wanting to inform others, and advise others. In addition, people share stories about Covid-19 on social media. They are entertaining, funny, engaging, and refreshing because they want to talk about something and feel connected to other people about what is going on with others. They want to interact with others when sharing news, effectively exchanging ideas with others, and help to stay in touch with others.

People are also sharing stories about Covid-19 on social media because it helps impress others, helps express themselves, feels essential, helps convey the desired image of themselves to others. Because it means it can be helpful to others, share news to get feedback on the information they have found, provide instant information to others, share knowledge or skills practical ability with others, and disseminate information that may be of interest to others.

As with other empirical studies, there are limitations to this study that should be considered when discussing the results. First, our survey method reflects the subjective perception of the respondents towards the questions being investigated. Subjective data has some inherent disadvantages that are hard to avoid in surveys (Pakpour, Gellert, Asefzadeh, Updegraff, Molloy, and Sniehotta 2016). Our data is collected over a single period. Cross-sectional data do not allow a dynamic assessment of changes in students' intentions and related behaviors regarding their college admissions, affecting their applicability (Xin, Liang, Zhanyou, and Hua 2019). Future research should combine cross-sectional and longitudinal studies.

The intentional sampling method has certain limitations, not fully reflecting population characteristics (Lin *et al.* 2016; Strong *et al.* 2018). Our survey was conducted within a cultural context of Vietnam and therefore requires more general statements that can be made by applying the development research model and research conclusions to other countries and cultures (Sun *et al.* 2012). Moreover, $R^2 = 0.394$ should affect the research results. In future research, R^2 will be improved by increasing sample size and further diversifying study participants. 

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MIGRANTS AND THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS IN THIRD WORLD COUNTRIES: A STUDY OF NORTH-EASTERN NIGERIA SINCE 1999

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Abstract: *This study examines the effects of the proliferation of SALWs on the security of the Nigerian state. Although this issue has seldom been tackled in regular or academic literature, it reflects the author's keen awareness that, in an era of globalization, migrants have been identified as important agents in the proliferation of SALWs into third-world countries. The paper seeks to provide an insight into the socio-economic and political variables operating in the source and destination of such movements, with particular emphasis on migrants and arms proliferation. The study uses the qualitative approach for data analysis, it relies on upon, data gathered through secondary sources, and is reinforced with the argument on the liberal theoretical framework of analysis. The paper concludes that, while weapons play a significant role in intensifying conflict that exerts enormous human and economic costs, the causes of such conflicts lie in political, economic, ethnic, and religious differences and disparities. Finally, the paper looks at the appropriateness of examining the full implications of SALWs as a border management theme and the role of complementary measures for facilitating border control.*

Keywords: *Migration; Porous Border; Globalization; Proliferation*

INTRODUCTION

The subject matter of migration is central to the history of a people. This explains why in an attempt to understand the history of a people, where they come from, how they left where they come from, and why, are unavoidable questions to which answers must be provided. By migration here, we mean the movement of people from one place to another. Such movement is underpinned by the interplay of socio-economic and political variables operating in the source and destination of the movements. This is largely due to its tremendous impact on many contemporary global issues with far-reaching implications for the international system particularly in an era of mounting environmental concerns, rapid technological breakthrough, widening political participation, and constantly redefined ideologies and political behavior among others, have in many ways, intensified human migration. Issues such as world peace and security, population drift and international labor mobility, growing pressure on world's natural resources, poverty, environmental degradation, and natural calamities, the international migration crisis, refugees and humanitarian needs, international crimes and syndicate, unemployment, territorial claims, and boundary disputes, power rivalry, famine, conflict, insecurity, porous borders, injustices, arms trafficking, armed banditry, activities of fundamentalists and forces of globalization. If relates to Nigeria, one would realize that they are prevalent and have serious consequences.

This study mirrors the author's strong cognizance that in an era of globalization, migrants have been recognized as important agents in the proliferation of Small Arms and Light Weapons (SALWs) into third-world countries. Nowhere is this assertion more apt than in Nigeria, especially in the north-eastern part of the country, where the activities of religious fundamentalists (Boko Haram, Islamic sect, the Fulani herders, and armed bandits) have plagued that part of the country into the worse socio-economic and political crisis the country has witnessed since the civil war. Scholars such as Theophilus (2019), Theophilus (2020), Olasile (2015), MuhammedLadan (2012), Malam (2014), Edeko (2011), Omede (2011), Okafor (2017), Ibeanu (2015), Small Arms Survey (2005), have aptly observed that people are directly affected by small arms use before, during and after conflicts. They further highlighted that SALWs proliferation sustains and worsens violent conflicts that threaten the functions of legitimate governments, as well as the provision of humanitarian assistance. However, these explanations can best be understood within the context of globalization and porous borders, which have catalyzed the movement of people and goods across international borders.

In tackling the problem of migration and SALW's proliferation, the Nigerian state depended on the following steps, as demonstrated by the establishment of the National Commission for the Control of Proliferation and Unlawful Circulation of Light Weapons (NATCOM) for the implementation of the ECOWAS moratorium in July 2006. The government also established the Program for Coordination and Assistance for Security

and Development (PCASED) in March of that year. Similarly, the Nigerian state has also been cooperating with neighboring states such as Niger, Chad, Benin Republic, and Cameroon on cross-border crime to enhance security on Nigeria's international borders by the police, customs, and immigration officers to check the movement of people in and out of Nigeria. Globally, Nigeria is a signatory to the United Nations Fire Arms Protocol of November 13, 2001, which was ratified on July 15, 2004.

Equally, a myriad of other groups – IGOs/NGOs, AU (African Union), SAD (South African Development Agency), WANSAs (West African Network on Small Arms), Civil Society Organisations, etc. have all taken major steps to find an effective and lasting solution to address the problem of migration and arms proliferation. Unfortunately, despite the existence of regional, continental and international instruments designed to curb the spread of SALWs from neighboring states into North-Eastern Nigeria, the country has continued to witness the influx in geometric terms of SALWs by illegal immigrants. Without going into a detailed analysis yet, it is imperative to provide a brief historical background of the study areas to provide a basis for the understanding of this paper. The political zone referred to as North-Eastern Nigeria comprises the states of Adamawa, Bauchi, Borno, Gombe, Taraba, and Yobe. Ibrahim (2012) argued that the area that constitutes the North-Eastern Zone of Nigeria lies between the vast and expanse of the Sahara and the dense tropical rainforest along the Guinean coast. Delimiting the area is Cameroon to the east, Niger and the Chad Republic to the North, North-Central Nigeria on the West, and South-Eastern Nigeria to the South. According to Nyako Abdul-Aziz (2015), the North-East occupies slightly less than one-third of Nigeria's total area and has a projected population of 23,558,674 or 13.5% of the country's population. This important location has profound implications for the country's security strategies ranging from immigration policy, customs and, labor laws. The paper presented by Muhammed T. Ladanin (2012), points to the fact that, since 1985, the North-East has retained the title of the poorest zone in Nigeria, with the highest incidence of poverty (ranging between 54.99% - 72.2%). It is also the zone with the highest number of internally displaced persons (IDPs), totaling 11,360 in the first quarter of 2012 and 2010–2011 with the highest number of forced displacement of internally displaced persons (IDPs) (approximately 22% or 82,000). Moreover, the North-East has also been described as the home or paradox of Boko-Haram (literally transmitted 'Jama'atu Ahlis-Sunna Lidda'Awati Wal-Jihad) an armed group that promotes sectarian violence of different dimensions that have engulfed the entire region, in the history of Nigeria – that is, neither inter- nor intra-religious but essentially against the Western-educated Muslim elite and government. In his presentation, Muhammed T. Ladan further argued that it is a paradox such a movement that is opposed to the acquisition of knowledge emerged in Borno State, the capital of Kanem-Borno Empire and the first Islamic state in pre-colonial Nigeria that was established based on knowledge and excellence in scholarship, resulting in the movement distortion. He argued further that, it is a paradox that such a

situation should emanate from the minds of those who believe that they are asserting their religious identity, reforming Islam and restoring it to its pristine purity by maiming and killing innocent residents, destroying property, and rupturing peace. This explains why from a historical perspective, the zone shares geographical proximity and cultural affinities, which makes migration across the existing borders easy. The Hausa-Fulani-Kanem-Borno cut into Nigeria, Niger and Chad. These characteristics make this zone vulnerable to migrants and illegal trafficking in SALWs. It is based on this that one can understand the changing nature of the security scenario in West Africa and North-Eastern Nigeria in particular.

LITERATURE REVIEW

Causes and Channels of SALWs Proliferation

In the course of this study, several works which contain relevant information on the origin, causes, transit, destination, threat, and risk of SALWs to the security of states in Africa and Nigeria in particular, in the period under review, have been consulted. However, Theophilus (2020), Okafor (2017), Banko (2016), Lamptey (2013), Onwuka (2010), Hazeban and Horner (2007), Abdel-Fatau (2002), Kofi (2002), among others have undertaken a comprehensive discussion on this. According to them, the Nigerian state has been and is still being threatened on many fronts by violence that is being perpetrated with the use of small arms and light weapons, which are freely deployed.

There are rarely any geopolitical zones of Nigeria without its major share of arms-related threats to peace, security, and development that is either ongoing or recently resolved. Okafor (2017) and Theophilus (2020) acknowledged the view that several works contain relevant information on the origin, causes, sources, transit, and destination of SALWs in Nigeria in general, and the North-Eastern states, in particular, have been consulted. Onwuka (2010) has argued that trafficking by migrants is not entirely new in the global discourse. He however argued further that, the focus on it took an unprecedented turn at the end of the Cold War when the iron curtain across Europe was dismantled. Therefore, with the triumph of free markets and the enthronement of unipolar political and economic world view, arms trade experienced phenomenal deregulation. This deregulation process promoted exponentially the availability of SALWs in Africa at costs that were suddenly affordable to those who hitherto stood no chance of procuring the weapons. Along the same line, Abdel-Fatau (2002) argued that, in Africa, factors responsible for the proliferation of SALWs are many and varied. While the thrust of international efforts to curb proliferation tends to concentrate on the manufacture and supply of new weapons. Accordingly, he further noted, a major pipeline remains the stockpiles that were pumped into Africa in the 1970s, 1980s, and early 1990s by the ex-Soviet Union, the USA, and allies to fan proxy

intra-state and inter-state wars. Equally, Banko's (2016) central argument is that those left-over weapons have found their way through clandestine networks involving illegal migrants, rogue arms brokers, private military companies, and shady airline companies, such as Victor Bout, who owns five (5) airlines that flew sixty (60) aircraft and employed some three hundred (300) migrants who serve as a network provider in bridging the gap in the chain of supply of arms to destination points, and Leonid Effimonich, a major broker and dealer in arms, indicted over the proliferation of arms in West Africa, as well as Geza Mezosy, a Belgian who established a company, 'Eastronition' through which he sold illegal arms across Belgium, Luxembourg and Hungary, and ran dirty arms deals and sponsored many cliques and merchants of arms dealers and gangs to exacerbate ongoing conflicts and facilitate the start of new ones in the continent.

In Nigeria's Niger Delta region, Henry Okah, MEND's leader, is a known arms broker with great leverage and monopoly of sorts over the Nigeria-South Africa arms trafficking axis. A report credited to GIABA in 2013, noted that Asari Dokubo, another MEND leader, once reported that Okah had supplied him arms, including AK-47s, general-purpose machine guns, cans of bullets, G3, and RPGs to conduct a series of violent attacks against government targets in the Niger-Delta.

Hazebn and Horner's (2007) position is that, although the operations of these and similar groups are shrouded in mystery, their activities supported corrupt regimes, contributed to the use of child soldiers, and fuelled endless wars and insurrection in West Africa. These, according to Hazebn and Horner, are common occurrences in Nigeria, as was the case in most other countries including Iraq, Libya, Syria, Sudan, Egypt, Yemen, etc.

In all, it must be acknowledged that the breakup and deregulation of arms industries in Eastern and Central Europe have also led to the mushrooming of mini-arm industries in Africa whose aggressive search for new markets in the developing world has made nonsense of existing export regimes. Africa itself boasts of countries that are arms manufacturers - South Africa, Zimbabwe, Egypt, Morocco, and Nigeria, among others, are countries dotted with growing SALW's cottage industries. As a consequence, small arms have found their way into civilian hands from official sources due to a combination of factors, including the breakdown of the state structures, lax controls over national armories, and poor service conditions for security personnel.

This horrifying situation has led Langumba (2010) to further acknowledge that; "the widespread availability of small arms to abusive actors poses a threat of unprecedented magnitude to West Africa, far greater than that of HIV/AIDS in terms of its socio-economic and human consequences". Put simply;

small arms and light weapons constitute a category of weapons responsible for most of today's conflict casualties and human rights abuses worldwide. Small arms proliferation is not merely a security issue, it is also an issue of human rights and development. The proliferation of

SALWs sustains and intensifies armed conflicts. It endangers peacekeepers and workers. It undermines respect for international humanitarian laws; it threatens legitimate but weak governments and it benefits terrorists as well as the perpetrators of organized crime (Kofi 2002).

Lamprey (2013) established the fact that, following the radicalization processes and the collapse of state structures that characterize the Arab Spring, loosened up weapons became easily available to leaders of the present militant groups in Nigeria who found fertile enclaves for training in these countries. It must however be established that these weapons were massively brought into Nigeria for use in most insurgencies, especially the Boko Haram upheaval, armed banditry, Fulani herders. It is glaring from reports of the Nigerian military in Sambisa forest, that there were skilled mercenaries who came into Nigeria along with these arms to train recruits on the use and operation of these SALWs. Nagbanton Patrick in GIABA Report (2013) reaffirmed this argument that Boko Haram acquires arms from Niger, Chad, and Cameroon – countries that share borders with Nigeria in the northern part of the country. Nigeria's extensive borders with Cameroon, notorious as smuggling routes for illicit SALWs, perfectly serves the purpose of Boko Haram, especially with the Northeast being its primary base. With most of its original members hailing from the northeast, the group easily facilitates the flow of illicit SALWs from Chad into Nigeria. Indeed, the use of AK-47 rifles to carry out attacks is an indication that most of the arms used by the group were smuggled into the country. For instance, during the April 2011 general elections, the police and other security agencies recovered and seized 3 AK-47 rifles and other arms from Boko Haram in a raid in Maiduguri. The group also uses locally manufactured firearms and produces explosives in one of its hideouts in Bauchi State (Next Newspaper, 4 August 2009). The cases of looted state arsenals by civilians, whether in Albania in 1977, Uganda in 1979, or Iraq in 2003, emphasize how easily small arms quickly enter the illicit sphere and become difficult to track. They easily percolate because they are small arms, easy to buy, use and conceal. Their proliferation intensifies conflict, sparks refugee flows, undermines the rule of law, and spawns a culture of violence and impunity. These looted arms end up, one way or another, in vulnerable countries like Nigeria. In the same vein, Oshita (2010) observed that, through some peace missions involving the Nigerian military in the West African sub-region, many of SALWs come into wide circulation in the country. It is widely held that some discharged soldiers from war zones in Liberia and Sierra Leone had returned to the country with various types of ammunition used in wartime, and sold weapons in the country for cheap money. Indeed, some weapons captured by the police from criminals, migrants, and militia members have been identified to these various peace mission exercises in the sub-region. Having recognized the corrosive effects of SALWs proliferation on human and physical development in Nigeria, Imobighe Thomas in Edeko Sunday (2011)

reported that there are many reasons why Nigeria is such a willing and functional receptacle or repository of SALWs. Borders inherited by Nigeria are badly demarcated, hence they are easily crossed. These boundaries were arbitrarily drawn by European imperialists who colonized almost the entire African continent. In his report, he noted that a tour of the Nigerian borders in September 1984 by Nigerian Immigration officials in Sokoto revealed that there were more than 1,500 illegal entry points along Nigeria's border with Benin and Niger. He further reported that Nigeria shares a long stretch of land border with the Republic of Niger and Chad in the North, Benin Republic in the West, and Cameroon in the East, in addition to a long stretch of Atlantic coastline. Each of these frontiers provides entry points for systematic smuggling of arms into the country.

Banko (2016) aligns with the view that currently in Nigeria, it is on record that the two most notorious arms smuggling frontiers in Nigeria are Idi-Iroko and Seme in the South-Western state of Lagos. One may not know the statistics of SALWs in circulation in Nigeria, but one indisputable fact is that the percentage is high. Other reported countries from which illegal weapons and ammunition are sourced include Cote d'Ivoire, Liberia, South Africa, Turkey, and Ukraine, as well as Bulgaria, Kosovo, and Serbia. While source countries are often named, the flow of SALWs from source and transit countries is not well documented.

Nigerian state in general and the North-Eastern states, in particular, are riddled with abject poverty, high unemployment rate, social deprivation and injustice, pollution, and underdevelopment. The synergy between the aforesaid has created a breeding ground for non-state armed groups, organized crime and illicit trafficking, and the proliferation of SALWs. Put differently, because the Nigerian youths remain permanently agitated and anxious about the future, they resort to 'any means possible or available' to eke a living. This anchored on a general culture of impunity and crass materialism heightens crime, especially amongst a young generation that feels hopeless and helpless. It is precisely in this scenario that the search for and acquisition of SALWs is construed as the sure means of opening doors to a better tomorrow by these frustrated and misguided youths.

This situation is worsened by the failure of the government to provide the much-needed security is a factor that compels citizens to look for an alternative. Several studies have shown that lack of confidence in security forces or the inability of security agencies to carry out their duty effectively in many African countries and Nigeria, in particular, informed the strong need by citizens to acquire arms to protect themselves and their property from armed violence. In addition to the failure of the government to provide the much-needed security, Africa is equally laden by the devastating impacts of climate change, which will heighten the threat to regional security, most especially in West Africa. Jakkie Cilliers in Okafor (2017) noted that climate change presents humanity with its largest challenges in recorded history. Its predicted effects over the coming

decades include extreme weather events, droughts, flooding, rising sea levels that could affect countries such as Nigeria and Mozambique ...changes in habitats, and increased spread of life-threatening diseases such as malaria. Today Africa is home to the most rapid levels of population growth and urbanization in the world and will shortly have more people than China. Already it is inhabited by 14 percent of the world's human population. Africa will inevitably face greater challenges owing to climate change than any other region.

Lastly, the forces of globalization bring opportunities and challenges. The increasing and complex global system of production and exchange, and the elimination of state-enforced restrictions on the movement of goods and services across borders, further complicate the challenges of containing SALWs proliferation.

Table 1: Types, Sources, Routes, and Destinations of SALW in West Africa (Source: GIABA Report 2013)

Country of Destination or Use	Types of SALW	Likely Countries of Origin/Suppliers	Means/Routes
Niger	AK-47 guns, pistols, short, long, and double-barrel guns, Beretta guns, and Kalashnikov rifles	Libya, Chad, Somali, Sudan, Nigeria, Algeria, Burkina Faso, and local manufacturers	Land borders and footpaths
Guinea Bissau	AK-47 guns, pistols, short, long, and double-barrel guns	Remnants from the independence struggle, Liberia, Sierra Leone, and local manufacturers	Land and sea borders
Cote d'Ivoire	AK-47 guns, pistols, revolvers, assault rifles, short, long, and double-barrel guns	Liberia, Guinea, USA, Britain, Russia, France, China, and local manufacturers	Land and sea borders
Nigeria (Niger Delta, North-East)	Pump-action guns, AK-47 guns, revolvers, self-loading guns, assault rifles, pistols, short, long, and double-barrel guns	Chad, Cameroon, South Africa, Europe, Nigeria Military and police officers, local manufacturers, Great Lakes region, and Russia	Land and sea borders, creeks, and airstrips
Togo	AK-47 guns, local pistols, and long rifles, pistols, short, long, and double-barrel guns	Nigeria, Ghana, and local manufacturers	Land borders, footpaths
Ghana	Pistols, AK-47 guns, revolvers, pump-action guns, short, long, and double-barrel guns	Remnants of the military era and local manufacturers	
Sierra Leone	AK-47 guns, revolvers, rockets, self-loading	Guinea, Liberia, Cote d'Ivoire, remnants of the	Land, sea borders, and footpaths through

	pistols, rifles, assault rifles, locally made guns, mortars, and hand grenades	civil war, and local manufacturers	Guinean forest
Liberia	AK-47 guns, revolvers, self-loading pistols, rifles, assault rifles, locally made guns, mortars, and hand grenades	Guinea, Burkina Faso, East Europe, Libya, remnants of the civil war, local manufacturers	Land and sea borders
Senegal (Casamance Region)	AK-47 guns, pistols, rockets, short, long, and double-barrel guns	Guinea Bissau, Gambia, Iran, and local manufacturers	Land borders, maritime borders, and footpaths
Gambia	AK-47 guns, pistols, rockets, short, long, and double-barrel guns	Local manufacturers, Iran and Senegal	Land and sea borders
Burkina Faso	AK-47 guns, revolvers, self-loading pistols, rifles, assault rifles, and locally made guns	Liberia, Cote d'Ivoire and local manufacturers	Land borders and footpaths
Guinea	AK-47 guns, local pistols, and long rifles, short, long, and double-barrel guns	Local manufacturers, Cote d'Ivoire, Sierra Leone, and Liberia	Land and sea borders
Cape Verde	AK-47 guns, revolvers, assault rifles, long and double barrel guns	Europe and local manufacturing	Sea borders
Benin	AK-47 guns, revolvers, assault rifles, long and double barrel guns	Nigeria, Togo, South Africa	Land and sea borders
Mali	AK-47 guns, revolvers, assault rifles, long and double barrel guns	Local manufacturers, Niger, Libya, Algeria, and Mauritania	Land borders

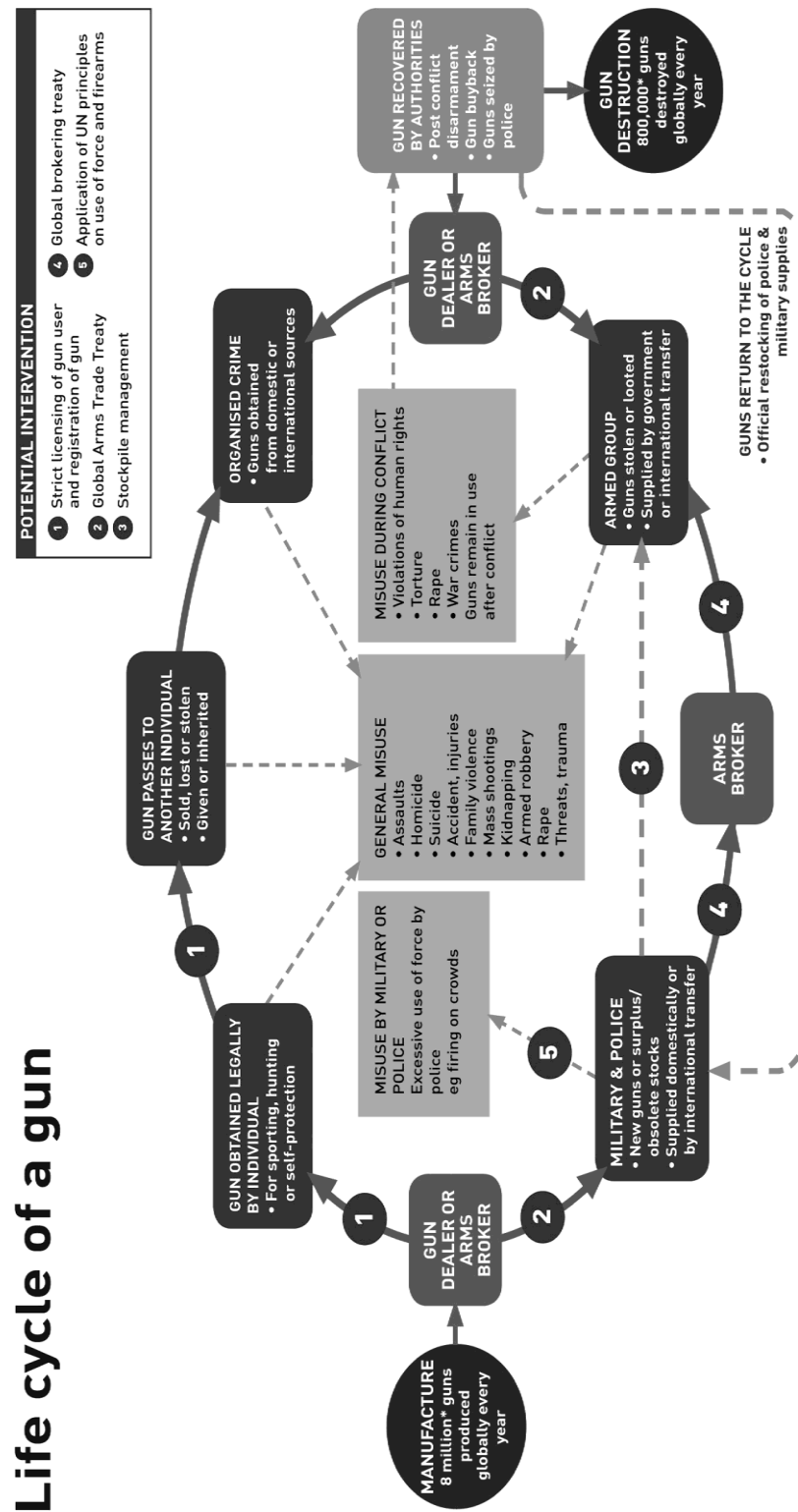


Figure 1: SALWs life cycle and proliferation
(Source: International Action Network on Small Arms (IANSA) 2012)

Existing Control Measures on Arms Tracing/Proliferation

It has been argued severally at different fora that political instability and security in West Africa and Nigeria are driven by the untamed movement of SALWs in the region. This trend constitutes a major humanitarian challenge and crisis in the region. It has been observed that the availability and easy procurement of SALWs by non-state actors, especially warmongers and human rights abuses are, to a large extent, responsible for a great number of civilian casualties in West African civil conflict, and nay Africa at large (Koroma 1999). Thus, the proliferation of SALWs is a major challenge across the globe.

Given this, the international community under the auspices of the United Nations has explicitly noted that arms tracing remains a critical component of any meaningful collective response to addressing the challenges posed by the illicit proliferation of SALWs. This according to Okafor (2017) was the basis for the negotiation and adoption of a distinct International Tracing Instrument (ITI) titled “the international instrument to enable states to identify and trace, in a timely and reliable manner, illicit SALWs in December by 2005 by the Member States of the UN.

Evaluating SALWs control measures initiated by various regional bodies, the West African sub-regional organization amplified the importance of tracing in the ECOWAS convention on SALWs, signifying an endorsement of the earlier position of member-states in all the UN arms control instruments. The instruments apportioned critical responsibility on states bearing in mind that the military-industrial complexes that manufactured these weapons are being housed by states. Therefore, as a requirement for an effective arm-tracing, the state has to ensure that arms manufactured within its jurisdiction are properly marked.

Bah (2004) argued that the ECOWAS moratorium is one of such initiatives targeted at solving the security challenges posed by the proliferation of SALWs. In recognition of the danger that the proliferation of illicit small arms poses to the security of the nation. He argued further that ECOWAS under the stewardship of Mali which had undertaken successful peace negotiations with Tuareg rebels adopted a moratorium on the importation, exportation, and manufacture of small arms and light weapons in West Africa.

Put differently, in 2006 this was transformed into a legally binding instrument – the ECOWAS Convention on SALWs, which came into force on September 29, 2009. In 2006, the ECOWAS Commission also launched a small arms program (ECOSAP) based in Bamako, Mali, as a capacity-building program for member-states and civil society organizations to deal with the problem of proliferation. To help implement and monitor ECOWAS policy and regulation on the issue, it established a Small Arms Division within the commission.

Although thirty-five years after the adoption in 1979, protocol relating to the free movement of persons, the Right of Residence and Establishment, several factors are still impeding effective inter-regional mobility within the ECOWAS region. Member states face a significant delay in transposing the 1979 protocol and supplementary protocols into law. While the right of entry and the abolition of visa requirements for a 90-day stay have been implemented in all countries, less progress can be noted regarding the Right of Residence, the Right of Establishment, and access to employment.

West Africa is characterized by – among other factors – a fast-growing population and steadily increasing urbanization. These factors affect migration patterns in the region and require collective responses by member-states that work together in the framework of the regional integration process launched almost forty years ago through the Economic Community of West African States (ECOWAS). However, recently, member states have shown a growing interest and readiness to handle challenges related to migration as well as to better take advantage of the inherent development potential of migration (ECOWAS Report, 2016).

At the 33rd ordinary session of Heads of States and Government of ECOWAS member states in January 2008, the ECOWAS Common Approach on Migration was officially endorsed. The key principle of the common approach is the free movement of persons within ECOWAS is key to the integration policy of the commission that regular migration towards other regions of the world contributes to the development of ECOWAS member states, hence the need to control irregular migration, SALWs trafficking, and human trafficking – particularly of women and children – and to promote dialog between ECOWAS host communities and transit countries (Ladan 2012).

THEORETICAL DISCOURSE

The establishment of an appropriate theoretical framework is an imperative necessity in any oriented research, not only because of the explanatory power of theories but also because such a theoretical frame would provide a guide that would enhance the understanding of the work as a whole. In this regard, two theories are used in this study: Realism and Liberalism.

The epistemic value of Realism is rooted in the assumption it makes: first, the states are the only actors in the international system; and second, the international environment is anarchic. This sense of anarchy is not that it lacks order or is chaotic, but that it lacks a world government with the potency to guarantee the security of states. Therefore, in a bid to guarantee her security, bolster its security and political power, states strive to safeguard their security by arms build-up. This explains why Morgenthau (1943) defines international politics as the struggle for power. It must however be emphasized that the lack of a world government as mentioned earlier does not imply the absence of international law, but the extent to which states will accept or reject

international law will be to the extent to which they are willing to accept the consequences of such acceptance or rejection. Exponents of Realism include Kennan (1954), Morgenthau (1943), Kegley (1994), Waltz (1979) among others; framed an intellectual movement whose ideas and beliefs about the international system were opposed to idealism. In their conceptualization, the world is anarchy – a threat system in which force remains the *ultima ratio*, the “basis of diplomacy and all the contractual obligations beyond the boundaries of the state” (Theophilus 2019). As Michael Howard in Bassey (2012, 452) has argued, the “capacity of states to defend themselves and their evident willingness to do so, provides the basic framework within which the business of international negotiations is carried on”.

The aim of Realism in this work is to show that, contrary to the conventional view inherited from the cold war era, whether developed or less developed nations, all are vulnerable to the security threat. What can be deduced from an analysis of the foregoing is that the manufacturing of arms by developed nations, to safeguard their security can at best can explain why weapons are proliferated to developing nations. GIABA Report of 2013 shows that most of the so-called small arms and light weapons used in recent conflicts are manufactured by the big industrialized nations. In Afghanistan, for example, the Taliban make use of Russian and American-made AK-47, RPG 7, USM 72, and automatic rifles.

A major deficiency of Realism is its assumption that states are the only actors in the international system. To this extent, the proliferation will follow an asymmetrical relationship between states. However, while states may be major actors in the international system, non-state actors, such as terrorist organizations, rogue arm brokers, private military companies, shady airline companies, and local smugglers, play a critical role when it comes to the proliferation of small arms and light weapons across nations, to exacerbate ongoing conflicts and facilitate the commencement of new ones in the continent.

From the above perspective, there is no doubt that Realism has a pessimistic view of the international system. Given the prevailing patterns of conflicts in inter-state relations, characterized by incessant competition, states are seen as the defining element of global reality. Accordingly, all necessary weapons are easily deployed by states to secure their paramountcy in the comity of nations. Hence the constant possibility of war and the resultant demands for Small Arms and Light Weapons (SALWs) in particular and other weapons of war at large. Thus, it may be said that the Realist theory will at best provide a necessary, but not sufficient explanation for the proliferation of SALWs. It is this deficiency that has necessitated this study to turn to the theory of Liberalism.

On the other hand, Liberalism is a theory that relates events to their likely causes. The theory is predicated on an economic view: That states should take their hands off the production and determination of prices of basic commodities, and allow the forces

of demand and supply to determine prices of goods. It also advocated for the ownership of private properties rather than state ownership and control of the economy. Exponents of Liberalism including Keohane and Nye (1989), Rosenau (2004), John Locke, among others, have attributed the causes of the proliferation of SALWs to many factors: first, that the stockpiles that were pumped into Africa in the 1970s, 1980s and early 1990s by the ex-Soviet Union, the USA and their allies to fan proxy intra-state and inter-state wars. Second, the breakup and deregulation of arms industries in Eastern and Central Europe have led to the mushrooming of mini-industries in Africa whose aggressive search for new markets in the developing world have made nonsense of existing export regimes. For example, Africa itself boasts of countries that are arms manufacturers - South Africa, Nigeria, Morocco, Zimbabwe, Egypt, among others, are countries dotted with growing SALWs cottage industries. Third, the post-cold war scenario, according to Robert Kaplan, 'The Coming Anarchy Shattering the Dreams of the Post-Cold War', engendered severe adverse economic and political difficulties for many developing countries that cost their subsidies due to the sudden end of the regime of ideological proxies. The inability of these states to contain the new liberal onslaught resulted in violent intra-state conflicts.

The relevance of Liberalism to this study is to show that, contrary to the Realist conception that proliferation of SALWs is enhanced by state actors, the Liberal theorists are of the view that the idea of privatization which is factored in the theory of Liberalism that has allowed and encouraged individuals and private military companies to delve into the production and the manufacture of SALWs and their related spare parts at costs that were suddenly affordable to those who hitherto stood no chance of procuring these weapons, intending to make profits. In the US, for instance, like other developed countries, the military-industrial complex has been privatized, and other smaller corporations are at liberty to produce weapons and spare parts. It is this growing and uncontrolled production and trade in SALWs in the last few years, among regions suffering from political instability and violent conflicts that have made individuals and groups vulnerable to proliferation.

From the above, it can be said that the liberal theory is a better theory on which this study is anchored. For one thing, it provides a better explanation for the sources of proliferation (which in this case results in the privatization of the security system) and points to a direction in which the problem can be resolved (state taking absolute control and management of the security of states). From this standpoint, the study has adopted the theory of Liberalism as the theoretical framework.

RESEARCH METHODS AND DATA COLLECTION

The data used for the analysis are based on information obtained from many sources. First, extensive desk research on institutional and official documents from the Nigerian Ministry of Defence, United Nations publications, Federal Office of Statistics, ECOWAS reports, and the University of Calabar library, was carried out on the policies of the various tiers of government as they impact on the political and peace processes in general, and on the proliferation of small arms and light weapons in particular, gleaned from various primary sources including Nigerian dailies and magazines. Secondly, data were obtained from elaborate Focus Group Discussions and content analysis involving border guards agencies: Army, Navy, Police, Customs, Immigration as well as Port Health Service and Nigerian Agricultural Quarantine Service (NAQS), including civil society spokesperson and some leading members of armed groups at the Seme Border post between Nigeria and Republic of Benin in August 2017, further illuminated the various perspectives on government's role in the propagation of small arms and light weapons in Nigeria.

The process of content analysis involved investigation, recording, and analyzing past events to discover generalizations that were significant in understanding the past and present to deal with the issues under consideration and make needful predictions and conclusions for the future, where applicable and necessary. The Focus Group Discussions clarified some of the questions that had been raised in the course of the desk research, and also identified areas for further research concerning the roles of state institutions in the proliferation of small arms and light weapons in Nigeria. Some members of the focus groups also drew the researcher's attention to documents on the internet, which they considered relevant to the subject matter.

ANALYSIS AND DISCUSSION

The Nigerian state has been and is being threatened on many fronts by violence that are being perpetrated with the use of small arms and light weapons, which are freely deployed. There is rarely any geopolitical zone of Nigeria without its major share of arms-related threats to peace, security, and development that is either ongoing or recently resolved. The underlying issues that generate these threats are internally induced, sometimes arising from the inherent contradictions of state-building that are often executed, using the instrumentality of violence. Okafor (2017) aligns with the view that Nigeria currently labors under the yoke of far too many conflicts of varying levels of intensity, and that the fault lines of these conflicts are socio-cultural even though rooted in the severe competition for scarce political, social, and economic resources. Paradoxically, while the conflict crises are driven internally, the instruments of their violent prosecution have predominantly remained SALWs that are sourced externally.

The return to democratic rule since 1999. The Nigerian state and the northeastern states, in particular, are increasingly ruined by the availability and easy accessibility of SALWs by non-state actors who are desperately pursuing their parochial interests to the detriment of peace, security, and development. A new dimension to the conflict trends in the northeast is the activities of the Fulani militants mostly herdsman who are armed with SALWs and are always ready to deploy them against their perceived enemies. The dastardly attacks of terror using SALWs allegedly committed by Fulani herdsman in recent times have received international attention with the designation of them as being among the five most deadly terrorist groups in the world. In 2015, the Institute for Economics and Peace argued that Fulani herdsman were responsible for the death of over 1,229 people in 2014, and have continued to pose a serious threat to the stability of the country. The conflict persists over the herdsman's search for access and control of land and water. Equally, the northeastern states of Borno, Yobe, and Adamawa have been the epicenters of Boko Haram terrorism in Nigeria. The Boko Haram acclaimed by the 2015 Global Terrorism Index as the deadliest terrorist organization in the world, is renowned for the use of improvised explosive devices (IED) as well as the acquisition and indiscriminate use of SALWs.

In the South-Eastern State, the impact of SALWs proliferation is felt in the increased incidences of kidnapping for ransom, armed robbery, cultism, and communal crisis. For instance, the killing of people in rural communities in Enugu State by the Fulani herdsman/militias has been enlisted in arms-related security challenges in the area. In the Niger-Delta region alone, about one hundred militant groups existed before the federal government's amnesty program (Asuni 2009). Although the North-Western states have been experiencing violent conflicts that showcase the lethality of SALWs in the hands of non-state actors, especially armed bandits, religious fundamentalists, and terrorists.

Unfortunately, in all these cases, the common attribute of these non-state armed groups remained their easy access to and indiscriminate use of SALWs. This depicts the vulnerability of the civil population and further highlights the enormity of the threats being faced by the Nigerian state. It equally pointed to the fact that states' institutional capacity, including the civil society, in confronting these challenges are weak, thereby continuously making it possible for the non-state actors to freely acquire and use SALWs. However, Theophilus, Ndum, and Abong (2020) aptly observed that the consequence of these and related security threats are the intermittent outbreak of violent conflicts in recent times. The failure of public security in Nigeria, and perhaps in the North-East has led the citizens to indulge in different forms of 'self-help' security measures ranging from vigilante groups to community-owned arms stockpiling. Having lost confidence in the Nigerian state, parties involved in some of these crises in Nigeria and the North-East, in particular, have become entangled in a security dilemma. The quest to procure more arms to guarantee personal and community protection from

perceived and real enemies (Boko Haram, Fulani herders, armed bandits) is fuelling the domestic arms race. Hence, breaking the chain of SALWs circulation has remained a major challenge to the Nigerian government. This unfortunate situation in turn stokes the demand for more arms by both the government and non-state actors to maintain security. While the government increases its stock through importation and local manufacture via the Defence Industry Corporation of Nigeria (DICON), non-state actors patronize transnational traffickers/migrants and burgeoning unregulated local and artisanal arms manufacturers.

In a bid to address these security dilemmas occasioned by the illicit proliferation of SALWs, the Nigerian state in 2001 embraced two initiatives aiming at countering the proliferation of small arms and light weapons were agreed within the United Nations framework: the legally binding protocol on Firearm to the Vienna Convention against Transnational Organised Crime, and separately, a political document called the Program of Action (PoA) to prevent, combat and eradicate the illicit trade in small arms and light weapons. These agreements, which included a broad range of measures to enhance controls on transfers, availability, and use of small arms, were largely supply-side oriented. Today, there is increasing concern that controlling and regulating SALWs production, transfer, brokering and misuse is likely to meet with scant success if efforts are not made to identify and tackle the conditions that encourage people to acquire and use guns. Indeed, it has been observed that:

A prominent reason for the large numbers of small arms and light weapons in circulation is the vigorous demand for them. Much of that demand is inevitably linked to criminality, individual and collective. In addition, however, demand for SALWs is widely linked to particular social, economic, and political conditions (Ernie Regehr 2004, 3).

Efforts integrating both supply and demand approaches are needed to address the spread of small arms and light weapons effectively. This implies, in particular, extending the scope of action more broadly to dimensions such as insecurity, social and economic deprivation, and human rights abuses. An encouraging step in this direction was the adoption in 2005 by the UN General Assembly of Resolution 60/68, which drew attention to the linkages between development and small arms. Identifying the factors that incite people to acquire a gun and understanding the mechanisms by which the global proportion of gun owners evolve in a population will make small arms reduction efforts more durable and effective.

CONCLUSION

The spread of small arms and light weapons is a major policy challenge for the international community. In West Africa, the proliferation of SALWs has remained a topical issue. Small arms and light weapons facilitate and exacerbate conflicts whose result is large-scale migration and displacement of people and families. The paper acknowledged that, while these weapons play a significant role in the exacerbating conflict that exacts enormous human and economic costs, the causes of such conflicts lie in political, economic, ethnic, and religious differences and disparities. These factors are often aggravated by governance-related deficiencies, such as exclusionary and irresponsible policies and lack of or weakness in democratic institutions, respect for rule of law, and human rights observance. The access to porous international borders further compounds the problems of widespread proliferation, illicit trafficking, criminal misuse, and mass importation by migrants.

The paper further reiterated that the level of conflict in Nigeria is increasing the demand for these weapons as many communities who have suffered defeats from other communities as well as fundamentalists (Boko Haram, Fulani herders, armed bandits, criminal gangs) prepare themselves by simply acquiring these arms from local arms dealers/manufacturers and arms traffickers in the name of self-protection. The role of these arms in fuelling conflicts cannot be overstated. Arising from these, the following viable options are proposed to address the issues of migration and arms trafficking that undermined the security of the Nigerian state. First, the Nigerian state needs to demonstrate a commitment not only in policy formulation, endorsement of agreements, and codification but also in a practical effort at implementation which is vital to carry on the responsibilities of providing social and economic security and development for the citizens. Second, the Nigerian government should be proactive in dealing with the rampant cross-border criminal activities that undermine its national security. There is a need to evolve a new approach to border security, land, sea, and air, using modern and sophisticated detection equipment to discourage arms trafficking through the borders by arms dealers/illegal migrants. This approach should include an integrated mix of development interventions for border communities, trained and dedicated border officials as well as an enhanced border situation awareness infrastructure. Put differently, the Federal Government of Nigeria should strengthen border security arrangements through enhanced intra- and inter-state collaboration among security and intelligence agencies in maritime and land border areas to ensure effective tracking and interdiction of SALWs traffickers and/or illegal migrants. Hence, the need by the Nigerian state to intensify effort to faithfully implement existing Conflict Prevention and Peace Building Strategies as contained in the National Policy on Peace and in Chapter II of the constitution. This would help minimize the outbreak and persistence of violent conflicts that stoke arms proliferation. The Federal Government of Nigeria should strengthen

democratic institutions and processes of governance to enhance social provision for its citizens, who are becoming increasingly frustrated over governance failure, thereby resorting to violent crimes that increase demand for SALWs. It must also extend to an aggressive job creation program for Nigeria's teeming and idle youth who are fast becoming hopeless.



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THE ROLE OF MEDIA IN PEACEBUILDING IN IRAQ AFTER ISIS

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Abstract: *The victory over the territorial rule of the so-called Islamic State provides an opportunity for the government of Iraq to restore its state institutions and reassert its authority. Can the Iraqi leadership step beyond cycles of failure in this transition to tackle the systemic issues that sustain state weakness and promote the emergence of groups like ISIS? This paper aims to enlighten the challenges faced by Iraq after ISIS for the restoration of peace between minorities and religious groups, and coexistence after the myth, so that conflicts are going on between minorities and religious groups, particularly in Mosul and other cities under the control of ISIS, the state could not reconcile the displaced people. Correspondingly, this paper intends the focus and role of local, regional, and international media in the process of peacebuilding and coexistence in Iraq after ISIS.*

Keywords: *Media; Peacebuilding; Coexistence; ISIS; Iraq*

INTRODUCTION

Iraqi Prime Minister Haider al-Abadi declared on 9 December 2017 that the so-called Islamic State had been defeated (ISIS). He told the Iraqis at the victory ceremony, "Your lands have been completely liberated" (NBC News 2017). Yet this is not the first time Iraqis have celebrated victory over an organization like that. The Iraqi state has been embroiled in a cycle of devastation and repairs since the 2003 US-led invasion. Instead of merely toppling Saddam Hussein's regime, the United States and its partners restructured the 1921 British-built state, establishing a new decentralized and federal state, based on a market economy (The New York Times 2017). This new state has so far proven incapable of resisting pressure from local, national, regional, and foreign actors, as well as non-state actors, such as terrorist groups. The weakness of Iraq has allowed rival groups to engage in a perpetual power struggle for control and influence. Yet the state has never fully collapsed, defying widespread predictions of the 'End of Iraq'.

This vulnerability has at times contributed to inter-ethnic-sectarian and inter-ethnic-sectarian violence centered on sub-national identities. The civil war of 2006-2008 underlined the excesses of the Sunni-Shia and Shia-Shia conflicts.

METHODS AND OBJECTIVES OF THE STUDY

The purpose of this study is to provide a thematic analysis of the role of the media in peacebuilding in Iraq after the ISIS battle. As the difficulties of peacebuilding in Iraq since the country's founding in 1921 have been a critical issue. This study depends on thematic analysis and content analysis methods to highlight the role of the media in peacebuilding in Iraq following the ISIS battle, which lasted from 2014 to 2017. Expert remarks and perspectives on the role of the media in peacebuilding will also be examined.

PEACEBUILDING AND THE MEDIA

Peacebuilding refers to the development of peaceful relations and the strengthening of viable political, socioeconomic, and cultural institutions capable of dealing with conflict, as well as the development of various processes that will either establish or support the circumstances for long-term peace (Groenewald and Sherriff 2005). The media has demonstrated throughout history that it can promote peace and environmental awareness. This simple relationship, however, should not be taken for granted and should be scrutinized. With the advancement of technology over the previous 50 years, the media's power has expanded enormously (Wolfsfeld 2004). Until the end of the Cold War, when specialized, non-governmental, and intergovernmental agencies codified the practice of peacebuilding and media technologies advanced to allow non-professionals to develop and distribute their media, media did not become an intrinsic part of official peacebuilding. As a result, the practice of employing media for peacebuilding began in the latter decade of the twentieth century, when peace organizations explicitly began using media to further their goals in violent conflict zones (Bratic 2016). Several military battles, some of which have been ongoing for decades, have effectively concluded since the conclusion of the Cold War. However, just ratifying a peace treaty does not solve the challenge of how to restore war-torn civilizations on material, social, or human level. Conflicts may persist without regular peacebuilding measures, and there is always the risk that violence will erupt again, which is why researching on media's role in transitioning from war to peace is an important issue (Kempf 1998).

The media are a two-edged sword in that they may be utilized for both peace and conflict. The mass media also played a central role in shaping public opinion during WWII and the rise of fascism, as well as in recent decades in Bosnia-Herzegovina and

Serbia, where they have been used to spread propaganda and hate-mongering (Howard 2002). In a conflict situation, most practitioners assume that the media must have the ability to affect the evolution of peace. If the media can influence people to engage in conflict, they must also have the ability to influence people to engage in conflict in the opposite way, advocating peace (Bratić 2006). Peacebuilding has recently been a more prominent part of many donor agencies' and governments' foreign aid policies. Many donors are supporting local media peacebuilding as part of this focus on peacebuilding. Even though there appears to be widespread agreement that local media development initiatives are an effective means of helping peacebuilding, there is a paucity of research that explains why this is the case or that outlines the specific links between local media and peacebuilding (Curtis 2000). Peacebuilding is dependent on peace journalism, and progress cannot be made without it (Mohamud and Mohamed 2015). Peace journalism was established as a conscious, working notion for journalists reporting conflicts and wars in the 1970s by a Norwegian professor named Johan Galtung, he explained, is a "broader, fairer, and more accurate manner of presenting events, building on conflict analysis and transformation principles" (McGoldrick and Lynch 2000). Traditional war media, according to Galtung, modeled sports journalism with the sole goal of winning a *zero-sum* competition. Peace journalism is similar to health reporting. A good health writer would depict a patient's battle with cancer while also informing readers about the disease's causes and the complete range of available therapies and preventive measures. "Media and conflict have been thoroughly studied", Paluck (2009) said, "But research on media's role in peacebuilding and conflict resolution is lacking". The battle or war is considered newsworthy, and media stories are often sensationalized and used to boost ratings and circulations (Allen and Jean 1999).

War journalism, according to Galtung and Vincent, concentrates primarily on violence and pays little attention to the systemic foundations of the conflict. Peace journalism, on the other hand, is an advocacy-based, interpretive approach to reporting about war, conflict, and violence (Galtung and Vincent 1992). The focus of peace journalists is news reports that promote peace initiatives, eliminate religious and ethnic divisions, and encourage conflict resolution, reconciliation, and reconstruction. "Journalism experts backed peace culture by opposing war reporting as anti-peace journalism" (Lee and Maslog 2004). By uncovering abuses, publicizing, and enforcing human rights and moral values, the media may help peacekeeping operations. It can act as a mediator and put pressure on nations to resolve brewing and current problems. It used a conflict resolution method by informing the community about available conflict resolution resources and other successful conflict management examples (Manoff 1997). Peace and the character of the debate regarding the peace process can be positively influenced by the media. During a disagreement, the media can reframe issues to make the conflict more manageable, which then aids the parties in reframing issues and devising alternative solutions (Wolfsfield 2003).

Even though the media was viewed as a tool that fanned the violence, it played a variety of roles, and it has been underutilized for peacebuilding reasons (Gakunju 2017). As the access to smartphones and social media continues to grow at an exponential rate, even in many conflict-affected areas around the world, the focus is rapidly shifting to the transformative potential of new media technologies in augmenting or replacing traditional media in peacebuilding (Best 2013).

Social media platforms can be utilized to help citizens and participants have access to knowledge about peacebuilding and to transform a conflict into a more peaceful situation (Comninos 2013). Social media has a wide range of ramifications that might help or hinder peacebuilding (Legatis 2015). People may now mobilize politically in support of democracy and human rights because of social media technologies. All aspects of social media should be used more strategically to aid peacemakers and human rights campaigners (Simone 2021).

DEMOCRACY ISSUE

Individually and collectively, the battle for justice has become one of the most pressing human demands. This is because justice is seen as a precondition for securing the necessities of other human requirements, as well as the best way to ensure that all aspects of human life's lack of justice are met and dealt with by other human needs, as shown by: There is no political justice. There is no social or legal justice. There is no racial justice. There is no cultural or epistemological equality (Abbas and Jassam 2015). The lack of justice is a multi-dimensional and multi-faceted problem, so the solution to this problem must be multi-dimensional and multi-dimensional as well (Dahl 1964). The absence or weakness of Iraqi civil society's political participation; and building democracy necessitates the creation of democratic citizens, who, in turn, necessitate the creation of various types of institutions for their socialization (Lijphart 1977).

BUILDING COEXISTENCE AFTER CONFLICT

Contact across group lines can minimize bias, forge friendships, and overall strengthen intergroup relationships. Since tolerant people are more likely to prefer contact, researchers have turned to studies to isolate contact's causal effects. In the United States, South Africa, and India, respectively, constructive, and cooperative interaction (which I call meaningful contact) effectively reduced socioeconomic, racial, and caste-based prejudice (Burns and La Ferrara 2015). Observational communication studies rarely include groups in conflict, although meta-analysis did not discover experimental studies of ethnic discrimination among adults over the age of 25 who might display more deeply rooted prejudice. Interventions aimed at reducing ethnic or racial discrimination, on the one hand, produce 'significantly weaker effects' compared

to prejudice towards the elderly or the disabled, for example, indicating that the cleavages common to war are especially unpliable (Paluck and Green 2017). More generally, ethnic violence solidifies the identification of individuals, ethnic stereotypes, and anxieties regarding physicality.

There are several reasons, on the other hand, to assume that communication can strengthen post-conflict intergroup relations. Intense bias, along with few opportunities for antagonistic groups to meet, means that when they engage, those populations have a lot to benefit from. This is because racism and social segregation flow through each other (Condra and Linardi 2019). The fulfillment of these conditions may help to explain the positive results of the few experimental communication studies we have from post-conflict settings: substantive contact enhanced cooperation between classmates in Bosnia-Herzegovina (Alexander and Christia 2011).

The Background

In Iraq, the media reported on 14 minority groups. Kurds and Arabs, both Sunni and Shia, are considered minorities in this complicated and changing geopolitical setting. They represent a population of roughly nine million people in Iraq. Shi'a Kurds, also known as Feyli Kurds, are a minority ethnic group in Iraq. Another ethnic group in Iraq is Shi'a Arabs, who number around 15 million people. The Shabak are another Shi'ite confessional minority group. They are concentrated in Mosul, Ninewa Plains, and makeup around 0.7 percent of Iraq's population. Also, the Yezidi are one of Iraq's ancient communities and practice a very specific religion, believed to be rooted in Zoroastrianism, and the Mandeans, who claim descent from the Arameans in the 2nd century, adhere to the Gnostic religion. Besides, the 500,000 Christians of Iraq also form a minority group. They historically live in Baghdad, Mosul, Ninewa, and the KRI, but have mostly left Mosul due to the threat posed by Daesh (AUIS 2016).

A new era of violence against Christians was ushered in by the fall of Mosul in June 2014. ISIS enslaved and murdered thousands in what was once Iraq's most populous province, with unfettered road access to hundreds of Yezidis, Christian, and Shi'a cities. Muslim and Christian, Arab, and Kurdish expellees joined the three million Iraqis displaced from December 2013 to April 2017 by intense fighting between the Iraqi Security Forces and armed groups (UNHCR 2017).

This migration is typified by the city of Qaraqosh. On August 6, 2014, Qaraqosh, an ancient center of Assyrian and Babylonian civilization, was cleared of its Christians for the first time in its history when its inhabitants were given hours to flee 50 miles to Erbil, mostly on foot after reaching the Kurdish checkpoints. In the Christian suburb of Ankawa, most lived in humanitarian camps, church housing, or private residences. A Qaraqoshi mother-of-three interviewed by the author 'brings enough clothes for a couple of nights for my children and myself'.

Qaraqoshis will stay for two and a half years in Erbil. After Ninewa, internally displaced people (IDPs) started trickling back to their hometowns (UNHCR 2017).

Christians are profoundly betrayed by Sunnis (about 45 percent of Muslims in the study), whom they see as allies with ISIS. The fact that some Sunnis 'chose' to live under the rule of ISIS rather than flee fuels this view. For example, a public Radio International was told by one of the first Christians to return to Qaraqosh: "When I knock into [my Muslim neighbors] now, they turn their faces and walk away, they know what they have been doing. They're guilty, they realize. I'm not even saying hi to them" (Hall 2017).

According to a study entitled 'Iraq after ISIL: Qaraqosh, Hamdaniya District' by Erica Gaston (2017) states that the town of Qaraqosh was destroyed by ISIL in February 2017. No home, building, church, or other property appeared untouched. Data shows 13,000 homes need to be rebuilt in the Ninewa Plains alone - around 7,000 in Qarakosh alone. Some of the 50,000 people who fled Qaraqosh were tortured and executed by the Islamic State of Iraq and the Levant ISIL fighters. At least 75 women and girls were known to have been captured by ISIL. Some reports indicate this number could be as high as 1,500. However, Kurdish and Iraqi government forces have recaptured two key areas of Qaraqosh, Iraq. The town was overrun by Islamic State (ISIL) in late October 2017. There has been virtually no return to the town just less than 5% of the population pre-ISIS, since then many families are still displaced (Gaston 2017).

Iraqi Media: Rebuilding Peace and Coexistence

With the invasion of Iraq in 2003, the media landscape in Iraq shifted dramatically. Before 2003, media alternatives were limited: the state-owned newspapers, radio and television stations, satellite TV, and the internet were only accessible to Baath Party elites. Following the conflict, over a hundred periodicals arose, reflecting political parties ranging from communist to Kurdish nationalist to Islamist. Iraqi civilians can now use the internet, own satellite dishes, and listen to hundreds of terrestrial and satellite radio and television channels broadcasting from throughout the country and the region (Price, Al Marashi, and Stremlau 2009). The US-led occupation aimed to transition Iraq from an authoritarian to a liberal democratic political system following the invasion and regime change in 2003.

The peacebuilding template developed in the increasing number of multilateral operations done in the aftermath of the Cold War led to this purposeful program of economic and political reform (Dodge 2013). Many media focus on political wars, conflicts, and violence, especially after 2003, and more different lying in the ISIS period (2014-2017) and after ISIS, and so far, the focus on Iraqi, regional and international media is more about local, regional and international violence in Iraq. Because of this, Iraqi media have disseminated more news stories about conflicts and wars among different ethnic and religious groups, which has had more negative impacts on the

failure of peace-building in Iraq (USIP 2009). The following steps have been addressed when discussing potential ways to tackle encouragement in the media:

- the establishment of a self-regulatory code of conduct for all media types Print, broadcast, and online.
- working with enablers of international organizations to establish a network for citizen monitoring that will regulate media coverage across the region.
- working with the National Commission for Communications and Media to campaign for the establishment of an independent watchdog group (USIP 2009).

Between 2003 and 2020, there were two primary approaches to peacebuilding in Iraq. Between 2003 and 2017, the prevailing peacebuilding method was 'liberal peace', which stated that Iraq should follow liberal standardized universal ideals to become a peaceful state with a highly qualified society capable of peaceful coexistence. This has been criticized as a means of legitimizing the interventions. By that time, however, the vocabulary had shifted from 'liberal peace' to 'adapted peace' and 'stable society' (Ali 2021). Besides, finding qualified and unbiased media that contribute to transitional justice conceptions, public opinion, and media practice settings, as well as other techniques in Iraq, is an important strategy for the process of peacebuilding for the stage after ISIS (Muntasser and Adel 2019).

THE USAGE OF REGIONAL ARAB MEDIA IN IRAQ FOR PEACEBUILDING

Iraqis suggested that, based on the agendas of these sources, the regional Arab media cover Iraq's issues. Even though many of the pan-Arab satellite networks have journalists in Iraq, according to some Iraqi media professionals, the ownership of such channels decides the content. The main example was the difference between the coverage of violence in Iraq and the relative success of the provincial elections. For some regional media outlets, violence is always the lead story; alongside covering violence, journalists can cover stories on peace and coexistence in Iraq (EPLO 2014, 3-4). Media organizations and staff involve local players who are or could be mobilized to promote dialogue as part of reconciliation and peacebuilding processes. With the 2003 war, media availability in Iraq changed dramatically. Information options were restricted before 2003: newspapers, radio, and TV stations were owned by the state, and only Ba'ath Party elites could access satellite TV and the internet. Over a hundred newspapers appeared after the war, representing political parties that adopted everything from communist to Kurdish nationalist to Islamist ideologies (EPLO 2014, 3-4). The war has driven more than 13 million Syrians and 3.5 million Iraqis from their homes. There are desperate needs for medical, psychological, and social care for millions suffering from accidents and trauma.

Hence, social media outlets can do a better job of helping displaced people in the country and the peacebuilding process (Dusek and Kairouz 2018).

CONCLUSION

After the collapse of ISIS in 2017, the process of peacebuilding and coexistence in Iraq has challenged numerous complications, and the most prominent of them are the difficulties that have been addressed in this study. The primary and most critical question of national identity is that it has given rise to real barriers, such as corruption, lack of democracy, and covering Iraqi, regional and international media is a silent factor as well. The media organizations in Iraq need to focus more on the process of rebuilding peace among minorities which their cities were destroyed by the ISIS war, particularly Mosul, and the Iraqi media needs to have a strategy to work on rebuilding peace and coexistence among nationalities and different religions believers in Iraq in general and in the postwar territories, to become a factor in spreading peace and coexistence between different nations and religions in Iraq. The media can also monitor and criticize the process of rebuilding postwar peace from 2014 to 2017 among the Iraqis. Regional and foreign media organizations can also play a role in spreading the message of peace, and the coexistence of different minorities and religions in Iraq after the ISIS war.

The media, which can play a role in spreading violence, can also play a role in spreading peace and the process of rebuilding peace in postwar countries, particularly in countries similar to Iraq, where there are various minorities with national, religious, cultural, and ideological differences who have been in conflicts since Iraq's establishment in 1921. Since most media outlets in Iraq are held by the government, political parties, and religious groups, new technologies, and social media can be utilized to affect the peacebuilding process in Iraq. 🌐

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ENFORCEMENT OF THE EUROPEAN UNION LAW BEFORE THE ALBANIAN CONSTITUTIONAL COURT AND THE HIGH COURT

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Abstract: *With the entry into force of the Interim Agreement in 2005 between the EU and Albania, Albanian judges had the obligation to partly apply several provisions of the agreement (the EU law) even in the pre-accession stage. This position was reinforced in 2009, with the ratification of the Stabilisation and Association Agreement, which laid down the obligation of the Albanian government to approximate its existing and future legislation in line with EU acquis and ensure proper implementation. Consequently, as of 2009, Albanian courts had to apply the EU law. The application of the EU law by Albanian courts entails the duty of judges with a twofold task: firstly, to construe their arguments in line with EU law or as close as possible, and secondly, to set aside the domestic law which is found to be incompatible with the EU law. This paper outlines some Albanian courts' decisions concerning applying the EU Law before accession to the European Union. The paper argues that Albanian judges have adopted a 'Euro-friendly' approach by referring to the EU Law and SAA agreement even in the pre-accession period. Nevertheless, looking closely at court decisions, the EU law is applied as a persuasive source of law to support the court's decision and not to explain the importance of relying on EU law or CJEU case law.*

Keywords: *Stabilisation and Association Agreement; Acquis; Constitutional Court; High Court; Enforcement*

INTRODUCTION

In 2009, when the Stabilisation and Association Agreement (SAA) entered into force, judicial reform has been at the top priorities of the EU pre-accession. The European Commission's opinion on Albanian's application for the EU membership states that: "Administrative and judicial capacities remain overall limited and the country will need sustained efforts to strengthen them to be able to assume the obligations of the membership in the medium-term" (Commission 2010, 8). The judicial system in Albania

is perceived as being highly corrupt, with very close links to politicians and organized crime (Erebara 2018). For this reason, in 2014, the Council has stressed that sustained implementation and fulfillment of reforms, *inter alia*, judicial reform, is necessary for the opening negotiations (Commission 2014), to properly address the judicial reform requirement to open EU negotiations, the Albanian Parliament appointed a Special Committee in November 2014, with a mandate to make proposals for the reform of the justice system in line with the EU conditionality. The Committee had three tasks: 1) to provide an in-depth analysis of the current state of organization and functioning of the judiciary to identify problems and needs; 2) to draft a strategic document for the objectives of the judicial, and 3) to propose amendments to the laws that will require changes to enable the implementation of the judicial reforms (Vendimi 96/2014). Assisted by the two main international experts the EU's 'Consolidation of the Justice System in Albania' project (EURALIUS) and the US Department of Justice's Overseas Prosecutorial Development, Assistance, and Training Program (OPDAT), the judicial legal package, after two opinions of Venice Commission (Venice Commission 2016a; 2016b), was approved unanimously, on 22 July 2016, by all 140 MPs in the Albanian Parliament (Kuvendii Republikës së Shqipërisë 2016). While the discussion of the judicial reform has been oriented toward reorganization of judicial structure and vetting process which is undergoing (Hoxha 2021, 159-162), a little has been written on the role of judicial harmonization in the pre-accession period and applicability of the EU law by Albanian national judges.

To the authors' best knowledge, two book chapters have been written so far on this subject. The book chapter written by Zymberi and Sali explored and analyzed the place of international law in the Albanian legal system and its application by Albanian courts, with a specific reference to the case-law of the Albanian Constitutional Law and the High Court. The chapter, also, considered the place and applicability of human rights, European law, and international criminal law (2015, 81-108). Another book chapter, written by Caka (2014, 28-36) provides a general overview of the position of international law in the Albanian legal system and analyses in more detail the application of the EU Law and the SAA by the Constitutional Court and the High Court in Albania focusing on 1) whether the Albanian courts acknowledge any special status to SAA compared to other international agreement; and 2) whether the EU Law is applied indirectly in the pre-accession stage. Both chapters provide a useful doctrinal approach concerning the applicability of the EU law by the highest court and analyze some cases where Albanian courts have relied on the EU law or the SAA. However, a more comprehensive analysis needs to be undertaken for two main reasons.

Firstly, the EU law is part of the Albanian legal system with the ratification of the SAA. Therefore, while Albanian main foreign policy is oriented toward European integration, it is important to stress out that national judges are obligated to interpret national law in the light of EU law and apply it properly. Consequently, national judges

should be equipped with necessary continuous legal education on EU law since most of the EU judicial *acquis* is judge-made law (Čapeta 2005).

Secondly, the experience of CEECs shows a 'Euro-friendly approach' even before accession (Albi 2007, 39-58; Kühn 2005a). For instance, the Czech Constitutional Court relied on the EU law as a tool for interpreting Czech legislation, before accession. The Constitutional Court's approach was based not on the approximation of technical rules, but rather on common European principles and values:

[...] The Constitutional Court [...] does not share the claimants' opinion that Community law is irrelevant to the Constitutional Court of the Czech Republic, i.e. a state outside the European Union when assessing constitutionality. Such a statement is unduly simplistic and schematic. One of the sources of primary Community law is the common principles of law which the Court of Justice derives from the constitutional traditions of the Member States of the European Union. [...] The Constitutional Court of the Czech Republic has repeatedly applied these common principles of law, which are not expressly set forth as written legal rules, but are applied in European legal culture (e.g. the principle of proportionality). [...] Primary Community law is thus not foreign to the Constitutional Court; rather, to a great extent - especially in the form of common European principles of law - it permeates the Court's decisional practice (cited in Bobek 2006, 287).

The same EU-friendly interpretation of national law in the light of the EU law has been followed as well by the Polish Constitutional Tribunal. In K 15/04 case, a group of members of the *Sejm* (the lower house of the Polish Parliament) argued that the 2004 Act on Elections to the European Parliament conflicted with the principle of the sovereignty of the Polish people (article 4 (1) of the Constitution), as well as with clauses granting the right to vote to Polish citizens only. The Polish Constitutional Tribunal held that: "whilst interpreting legislation in force, account should be taken of the constitutional principle of sympathetic predisposition towards the process of European integration and the cooperation between States".¹ For these reasons, specific research focusing only on the EU law and its approach taken by Albanian highest courts need to be taken.

This article deals with the EU judicial harmonization in the pre-accession period and looks to the applicability of the EU law by Albanian national judges, with a specific reference to the Constitution Court and the High Court. Approximation of existing and future Albanian legislation with the EU *acquis* brings obligation of judicial harmonization, meaning that national courts should apply EU Law or take into account the interpretation of the European Court of Justice (ECJ) (today the Court of Justice of

¹ Judgment of 31 May 2004, *Participation of Foreigners in European Parliamentary Elections*, K 15/04, para 10.

the European Union) when applying provisions of domestic laws. In this context, this paper analyzes the enforcement of EU Law by the Albanian courts at the pre-accession stage. The study covers the period after the SAA entered into force (2009) and is based mainly on the jurisprudence of 1) the Albanian Constitutional Court and 2) the High Court. By analyzing some relevant cases from these courts, we shall illustrate the relationship and interaction between Albanian courts and EU legal obligations undertaken as a result of the European integration process.

The core methodology of this article is that of traditional legal doctrine, which is based on analyses and interpretation of the EU primary and secondary sources; jurisprudence of the ECJ; the SAA with Albania and Albanian legislation. Additionally, secondary sources such as books, journals, and website articles have been taken into consideration. Secondly, the authors have analyzed different case laws of the Albanian Constitutional Court and the High Court. Identifying cases in the Court of First Instance and the Court of Appeal has been difficult because decisions are not published online.

This article concludes that both the Albanian Constitutional Court and the High Court have followed a 'Euro-friendly approach' in the pre-accession period, however, the EU law is applied as a persuasive source of law to support the court's decision and not to explain the importance of the EU law. One of the main reasons that this article argues relates to the lack of EU legal education of judges and lawyers.

THE INTERNATIONAL LAW AND THE ALBANIAN LEGAL ORDER

The Albanian Constitution was adopted by a popular referendum on 22 November 1998 (Law 8417/1998) and last amended in 2020 (Law 115/2020), as a modern constitution adopts a friendly approach and contains several articles dedicated to the international law and its position of international law within the Albanian legal system. Article 5 stipulates that: "The Republic of Albania applies international law that is binding upon it". Article 116 (1), which provides sources of the Albanian legal system, lists ratified agreements second after the constitution followed by laws and by-laws. Moreover, it contains provisions that regulate the status of ratified agreements or norms produced by international/supranational organizations in the Albanian domestic order and delegates to international organizations state powers for specific issues based on international agreements.

Various academicians conceded that such an order, as stipulated in article 116, constitutes a formal hierarchy of the sources of law in the Albanian legislation for two main reasons (Omari and Anastasi 2010, 47; Zymberi and Sali 2015, 81-108). Firstly, article 4 of the Constitution establishes an undisputed position of the Constitution as the highest law in the territory of the Republic of Albania. Secondly, the international agreement ratified by the Albanian Parliament has a normative effect on the domestic

legal system by their ratification (Bianku 2016, 16). Reading together articles 5 and 116, it becomes clear that Albania followed the monist approach of international law.

Article 116 of the Albanian constitution is complemented by article 122. Article 122 (1) clarifies that “any ratified international agreement constitutes part of the internal legal system after it is published in the Official Journal of the Republic of Albania”. According to this provision, two conditions should be fulfilled for an international agreement to be part of the Albanian domestic order: firstly, any international agreement should be ratified by law. The main body vested with the power to ratify and denounce international agreements is the Assembly. Article 121 (1) enumerates certain types of international agreements that can be ratified or denounced only by the Assembly.²

Secondly, it should be published in the Official Journal of the Republic of Albania. Albanian Constitution does not foresee a special procedure for the publication of international agreements. Article 117 (3) of the Constitution, reads that “International agreements that are ratified by law are promulgated and published according to the procedures that are provided for laws”. The ratified international agreements will enter into force as domestic legislation foresees. Article 84 (3) of the Constitution reads as follows: “The law shall enter into effect not earlier than 15 days since its publication in the Official Journal”. Most importantly, international agreements should be translated into the Albanian language.

Albanian constitution provides the supremacy of ratified international agreements or norms issued by the international organizations over the domestic legal system. Article 122 (2), clearly stipulates that “an international agreement ratified by law has priority over the laws of the country that are incompatible with it”. Article 122 (2), unequivocally, confirms that treaties ratified by law prevail over any laws not compatible with them. Such a position is maintained as well by article 131 (a) which stipulates the exclusivity of the Constitutional Court to declare void any domestic law that is not compatible with an international agreement.

Another issue regulated by article 122 (3) relates to the place of international organizations’ norms within the Albanian domestic legal order. Article 122 (3) stipulates that: “The norms issued by an international organization have priority, in case of conflict, over the law of the country when the direct application of the norms issued by the organization is expressly contemplated in the agreement ratified by the Republic of Albania for participation therein”. Comparing paragraphs 2 and 3, from a literal interpretation it can be argued that article 122 (3) stipulates that norms of the

² According to article 121 (1), these international agreements are as follow: 1) territory, peace, alliances, political and military issues; 2) human rights and freedoms, and obligations of citizens as provided in the Constitution; 3) the membership of the Republic of Albania in international organizations; 4) the assumption of financial obligations by the Republic of Albania; 5) the approval, amendment or repeal of laws. This list is not exhaustive since the Assembly pursuant to article 121 (2) still retains the discretionary power to ratify other international agreements.

international organization have superiority even over the constitution, unlike ratified international agreements which have supremacy over the domestic legal system. At the same time, article 123 regulates the delegation of sovereignty to international organizations based on specific agreements. The law that ratifies an international agreement for delegation of sovereignty is approved by a majority of all members of the Assembly (The Constitution of Albania 1998 as amended, article 123/2). The Assembly may decide that the ratification of such an agreement be done through a referendum (article 123/3). Article 123 did not regulate to what extent such delegation of sovereignty can be permitted. In the case of compatibility of the Albanian Constitution with the Rome Statute for the International Criminal Court, the Albanian Constitutional Court ruled that the transfer of state power to the International Organization cannot undermine the country's constitutional identity.³ In other words, the transfer of sovereignty to the international organization is limited to "the extent that does not deform the constitutional and sovereign identity of the Albanian polity" (Korenica and Doli 2012, 109).

THE STABILISATION AND ASSOCIATION AGREEMENT AND THE ALBANIAN LEGAL SYSTEM

The Albanian Constitution remains silent on the status of the EU law in the Albanian legal system and lacks a specific clause on the applicability of EU law. The EU membership is regulated under a general clause on international organizations. The SAA signed between the EU and the EU Member States and Albania is considered an international agreement. Article 122 (3) eases the integration of Albania in the EU emphasizing indirectly that the norms of the organization (the EU *acquis*) have prevalence over the laws of the country in the case of conflict. In this context, article 122 (3) leaves the gate open for joining the EU without the constitutional amendments and at the same time, stipulate the primacy of EU law over the domestic legislation.

In 2014, an initiative to reform the judiciary system was initiated (Law 96/2014). During *travaux préparatoires* of the justice reform, the High-Level Expert Group proposed a draft amendment of the Constitution suggesting, *inter alia*, to include a subparagraph in article 122 (2) stipulating that "the EU law shall prevail over the domestic law of the Republic of Albania" and deleting the third paragraph which regulates the status of norms produced by the International Organisation (Venice Commission 2015). The rationale behind such a proposal was not to make subsequent changes to the Constitution after Albania acceded to the EU (*ad hoc* Parliamentary Committee 2015; PGDP 2016). However, in the end, it was decided not to reflect the

³ Albanian Constitutional Court, Decision No. 186, 23.09.2002, V-186/02. In its reasoning, the Albanian Constitutional Court relied on the judgment of German Federal Constitutional Court on the Maastricht Treaty of 12 October 1993.

supremacy of the EU law on the Albanian Constitution on the assumption that Albania is not yet an EU Member State.

The main legal basis for the relationship between the EU and Albania is Stabilisation and Association Agreement (SAA), which falls under the mixed agreement or associate agreement where “the Union may conclude with one or more third countries or international organization agreements establishing an association involving reciprocal rights and obligations, common action and special procedure” (TFEU, article 215). The SAA aims to create an association between the EU and each Western Balkan country with the final aim to bring closer to the standards applicable in the EU. As stipulated in article 1 (2) of SAA with Albania, the SAA cover different areas such as: strengthening democracy, the rule of law; providing an appropriate framework for political dialogue between the EU and Albania; developing economic cooperation; helping Albania to complete the transition into a functioning market economy promote harmonious economic relations and develop gradually a free trade area between the Community and Albania; and foster regional cooperation. Central to the SAA is the obligation to harmonize the countries’ legislation with EU law where specified the areas of priority, which mainly lay in internal market and competition (Hajdini and Skara 2017).

Albania signed the SAA in 2006 and it entered into force in April 2009 after ratification by the EU Member states following their constitutional requirements. According to this Agreement, Albania is obligated to remodel its legal systems and adjust gradually compatible with the EU *acquis* (Hajdini and Skara 2017). In the absence of a specific reference in the Albanian Constitution, the applicability of the EU law, either directly or indirectly, needs to be established by the provisions governing the status of the international agreement. For an international agreement to be part of the Albanian legal system, it must, firstly, be ratified by the law⁴ and, secondly, published in the Official Journal. Only if these two conditions are met, can the ratified international agreement be directly applicable and have supreme authority over the domestic law. In the case *Van Gend & Loos* (C-26/62), the European Court of Justice (ECJ) held that the European Economic Community “constitutes a new legal order of international law”⁵ and, since then, the EU law has evolved into a unique supranational legal order (Weiler 1991). Similar to the international agreements ratified by the Republic of Albania in May 2009, the SAA is directly applicable after entering into force (The Constitution of Albania 1998 as amended, article 122/1) and has supremacy over the domestic law (article 122/3).

⁴ The Parliament is the main body responsible vested with the power for ratification of the international agreement. Article 121 (1) provides an exhaustive list of agreements that can be exclusively ratified or denounced by law from the Parliament. With regard to publication, no special procedure is laid down in the Constitution. Article 117 (3) provides that “international agreements that are ratified by law are promulgated and published according to the procedures that are provided for laws”.

⁵ Judgment of 5 February 1963, *Van Genden Loos v Administratie der Belastingen*, C-26/62, ECLI:EU:C:1963:1

Another issue concerns the ability of individuals - either EU or Albanian citizens - to be able to invoke the provisions of the SAA before national courts. The SAA was introduced as an instrument to bring Albania closer to the EU. Therefore, Albania must approximate its existing and future legislation and ensure its proper implementation. It is generally agreed by various authors that the European Agreement (EA) has served as a bedrock for the SAA (Blockmans and Lazowski 2006, 3), and the major difference between the EA and the SAA relates to the regional cooperation dimension and the stages of the approximation process (Marko and Wilhelm 2002, 170-174). Both the EA and SAA have identical provisions of fundamental freedoms except the time limit of implementation. Similar to the EA, the SAA contains the harmonization clause that imposes the obligation to interpret the national law in the light of the EU law (Mataija 2015, 12).

So far, the ECJ has not dealt with a preliminary ruling on such interpretation. However, in the case of associated agreements concluded with the Central and Eastern European Countries (CEECs), the ECJ issued several judgments about the direct effects of the EA provisions. Therefore, the ECJ decisions on the direct effect of the European Agreement provision have an important role to clarify this issue. In the *Demirel* case, where the ECJ decided on the scope and nature of the mixed agreement, the Court ruled that:

a provision in an agreement concluded by the community with non-member countries must be regarded as being directly applicable when, regard being had to its wording and the purpose and nature of the agreement itself, the provision contains a clear and precise obligation which is not subject, in its implementation or effects, to the adoption of any subsequent measure.⁶

Proceeding from well-known established formula of direct effects in *Demirel*, in several cases such as *Gloszczuk*,⁷ *Kondova*,⁸ *Jany*,⁹ *Barkoci and Malik*,¹⁰ the ECJ has ruled that provisions of the EA on the right of the establishment have direct effect, and the nationals of the respective countries can rely on those provisions in the EU Member States courts even in the period of pre-accession. In all four cases, the ECJ found that

⁶ Judgment of 30 September 1987, *Meryem Demirel v Stadt Schwäbisch Gmünd*, C-12/86, ECLI:EU:C:1987:400, para 14. This approach was reaffirmed in a subsequent Judgment of 4 May 1999, *Sema Sürül v Bundesanstalt für Arbeit*, C-262/96, ECLI:EU:C:1999:228, para 60.

⁷ Judgment of 27 September 2001, *The Queen and Secretary of State for the Home Department ex parte v Wieslaw Gloszczuk et Elzbieta Gloszczuk*, C-63/99, ECLI:EU:C:2001:488.

⁸ Judgment of 27 September 2001, *The Queen and Secretary of State for the Home Department ex parte v Eleanora Ivanova Kondova*, C-235/99, ECLI:EU:C:2001:489.

⁹ Judgment of 20 November 2001, *Aldona Malgorzata Jany and Others v Staatssecretaris van Justitie*, C-268/99, ECLI:EU:C:2001:616.

¹⁰ Judgment of 27 September 2001, *The Queen and Secretary of State for the Home Department ex parte v Julius Barkoci and Marcel Malik*, C-257/99, ECLI:EU:C:2001:491.

the establishment provisions, such as Article 44 (3) of the Polish Association Agreement in the *Głoszczuk* case, had a direct effect. The Court's justification was as follows:

32. Article 44 (3) lays down, in clear, precise, and unconditional terms, a prohibition preventing the Member States from discriminating, on grounds of their nationality, against, *inter alia*, Polish nationals wishing to pursue, within the territory of those States, economic activities as self-employed persons or to set up and manage undertakings there which they would effectively control.

33. This rule of equal treatment lays down a precise obligation to produce a specific result and, by its nature, can be relied on by an individual before a national court to request it to set aside the discriminatory provisions of a Member State's legislation making the establishment of a Polish national subject to a condition which is not imposed on that Member State's nationals, without any further implementing measures being required for that purpose.¹¹

These decisions indicate that the EA provisions are capable of entailing direct effects once firstly, they fulfill the criteria established in *Demirel* and *Sürül* cases, and secondly, the European Agreement is ratified following the requirement of the CEECs constitutions. Thus, EA provisions having direct effects did not require the adoption of implementing provisions. In the same vein, the SAA provisions are capable of having direct effects. The following section analyses the judicial harmonization of Albanian judges and shows the approach taken by Albanian judges to apply EU law.

THE EUROPEAN COURT'S CASE-LAW CONCERNING ALBANIA

Application of the EU Law by the Constitutional Court in Pre-Accession Period

During the pre-accession period, the major challenge faced by the CEECs national courts was whether legislative harmonization 'should be accompanied by judicial harmonization' (Albi 2005, 52). According to Albi, judicial harmonization means that 'the national courts should apply the interpretation of the European Court of Justice and take account of the EU legislation when applying the provisions of domestic laws or the provisions of Europe Agreements' (Albi 2005, 52). The CEECs pre-accession experience has shown a 'Euro-friendly approach' of the national courts in the interpretation and application of the domestic legal system (Albi 2005, 52-56; Kühn 2005b; Bobek 2006; Goldammer and Matulionytė 2007). Likewise, since April 2009 when the SAA entered into

¹¹ Judgment of 27 September 2001, *The Queen v Secretary of State for the Home Department, ex parte Wiesław Głoszczuk and Elżbieta Głoszczuk*. C-63/99, ECLI:EU:C:2001:488, paras. 32–33.

force, the Constitutional Court has adopted a 'Euro-friendly approach' to interpret the national law in the light of the EU secondary law or SAA provisions.

According to the direct applicability of the SAA as an international agreement, in the Decision 24/2009, the Constitutional Court invoked directly the SAA standstill clause provision (article 33) and other restrictive quantitative restrictions on import or measures having equivalent effects (article 42) against a decision of the Council of Ministers in terms of quality standards of diesel oils.¹² The Council of Ministers imposed a ban on the import of certain products and at the same time considered domestic-produced diesel oils as more favorable compared to imported products (DCM 52/2009). In assessing whether the restriction of economic freedom imposed by the Council of Ministers' Decision complies with the SAA provisions, the Constitutional Court referred to article 33 (2) SAA which explicitly stipulated that: "no new quantitative restrictions on imports or exports or measure having equivalent effect shall be introduced, nor shall those existing be made more restrictive, in trade between the Community and Albania".

Furthermore, the Constitutional Court rejected the claimants' argument according to which bans were justified on article 42 'restrictions authorized'. On the other side, the claimants failed to prove that such a measure does not constitute a means of arbitrary discrimination or a disguised restriction on trade. While the Constitutional Court adopted a 'Euro-friendly approach', it did not address the basic question about the reasons why the SAA provisions must be applied. Furthermore, the Constitutional Court neither looked at the substance of articles 34 and 36 of the Treaty on the Functioning of the European Union (TFEU) for a consistent interpretation nor elaborated further the notion of quantitative restrictions or measures having an equivalent effect with the quantitative restriction. It was the first time the Constitutional Court applied directly to the SAA provisions and rejected the national law.

The Constitutional Court has also considered the secondary sources of the EU law to make a consistent interpretation of the national law. In Decision 3/2010, concerning the constitutionality of the law 'On statutory audit, the organization of the profession of the statutory auditors and chartered accountants', the Constitutional Court took into consideration the Directive 2006/43/EC 'On statutory audits of annual accounts and consolidated accounts' to justify the rejection of the claim that the national law was unconstitutional.¹³ The claimant - Professional Association of Economists (*Organizata Profesionale e Ekonomistëve*) - claimed that Law 10091/2009 'On legal auditing and the organization of the profession of the statutory auditors and chartered accountants' was in violation with the EU law, since it established a monopolistic situation by creating an Institute of Authorised Auditors (*Instituti Ekspertëve Kontabël të Autorizuar*) which interfered in the exercise of the auditors' profession and discriminated foreign auditors.

¹² Judgment of 24 July 2009, Albanian Constitutional Court, V-24/09, [2009] OJ 119.

¹³ Judgment of 5 February 2010, Albanian Constitutional Court, V-3/10, [2010] OJ 17.

That being said, Law 10091/2009 must be declared unconstitutional. The Constitutional Court referred to the Directive 2006/43/EC which regulates the profession of auditing. The Constitutional Court found no signs of violation of professional independence by the state supervision of auditors because, *inter alia*, such supervision complies with article 32 of the Directive 2006/43/EC.

In Decision 56/2016, the Constitutional Court assessed whether the restriction of ownership foreseen in Article 62 (3) of Law 97/2013 reading as follow: "No physical or juridical person, local/national or foreign, may have more than 40 percent of the total capital of a joint-stock company, which possesses a national license of audio broadcasting or a national license of audio-visual broadcasting", complies with the Directive 2010/13/EU. In its reasoning, the Constitutional Court found that the national measures, specifically Article 62 (3), fail to comply with the Albanian obligation to harmonize its domestic law since the Directive 2010/13/EU does not require any restriction of ownership from the companies operating in the media.¹⁴ In both these decisions, the Constitutional Court did not provide any clarification 1) why relied on the EU law secondary sources to support its judgment, and 2) the impact of the EU law secondary sources on the Albanian legal system.

While the application of the EU law in the pre-accession phase depends on the judges' 'European convictions', the competition law has been considered as a privileged area where the EU law including the Commission's soft laws should be applied even in terms of pre-accession. Experience from CEECs countries and other Western Balkan countries (Bosnia and Herzegovina; North Macedonia; Serbia and Croatia) reveal case practice assessing restrictive agreement in the light of EU law or Commissions soft laws (Kühn 2005b; Meškić and Samardžić 2014, 69-70; Goldner Lang and Mataija 2014, 95 – 96; Georgievski *et al.* 2014, 122; Vukadinović *et al.* 2014, 150). In addition to the obligation stemming from the approximation clause (article 70 SAA), article 71 (2) SAA requires an interpretation of the national competition law in the light of the criteria arising from the application of the EU competition rules applicable – in particular from articles 101, 102, 106 and 107 TFEU and the interpretative instruments adopted by the Community institutions – soft laws of the Commission and the ECJ decisions. Hence, article 71 SAA has direct effects, and the Albanian courts are obligated to rely upon the EU competition law and interpretative instruments adopted by the Community institutions to interpret the national competition law. This interpretation has been confirmed by the Constitutional Court in the Decision V-14/14 where:

31. The Court notes that under the Stabilisation and Association Agreement, practices contrary to article 71 (competition and other economic provisions) are assessed based on criteria arising from the application of the competition rules applicable in the Community, in

¹⁴ Judgment of 27 July 2016, Albanian Constitutional Court, V-56/16, [2016] OJ 152, paras 52-53.

particular articles 81 82, 86 and 87 of the Treaty establishing the European Community, and interpretative instruments used by Community institutions. In these circumstances, as in previous judgments, the Court finds it appropriate to refer to the jurisprudence of the European Court of Justice, regarding the application of competition rules in compliance with this Agreement.¹⁵

Even in this case, the Constitutional Court failed to clarify the recourse on the SAA provision even though article 71 (2) explicitly refers to the interpretation of the national competition law in light of the EU competition law. Moreover, the Constitutional Court language – ‘in these circumstances, as in previous judgment, the Court finds it appropriate’ – casts doubts on whether the reference to the ECJ decision stems from article 71 (2) SAA or because of the harmonization clause stipulated in article 70 of SAA.

Application of the EU Law by the High Court in Pre-Accession Period

Law 98/2016 regulates the judicial power in Albania and was a result of judiciary reform in 2016. As stipulated in the Albanian Constitution and confirmed by article 3 (1) of Law 98/2016, the judicial power is exercised by a three-level court: the High Court; the Court of Appeal, and the Court of First Instance (Law 98/2016, article 3/1). For this study, we will limit ourselves only to the practice of the High Court. The High Court operates in three Chambers according to jurisdiction subject matter: the Civil Chamber, the Criminal Chamber, and the Administrative Chamber (Law 98/2016, article 31). Also, the High Court adjudicates in Joint Chambers (the civil, criminal, or administrative cases) by the decision of either one of its adjudication panels or the Chairperson of the High Court. According to article 32 (2) of Law 98/2016, the Joint Chambers adjudicate cases where: firstly, the same legal question was not interpreted uniformly by different chambers of the High Court; or secondly, where there is a risk of a non-uniform interpretation among different chambers of the High Court. The subsequent section analyses the practice of the High Court in applying EU Law.

The tendency to adopt a ‘Euro-friendly approach’ has also been followed by the High Court. Interestingly enough, in the first case, the High Court referred to Regulation 1182/71 that determines the rules applicable to periods, dates, and time, to interpret some provisions of the Civil Code. Regulation 1182/71 was cited just as an international agreement without clarifying the reasons why it was considered relevant.¹⁶

¹⁵ Judgment of 21 March 2014, Albanian Constitutional Court, V-14/14, [2014] OJ 50.

¹⁶ Judgment of 27 March 2012, High Court, No 2, [2012] OJ 106. In a later unified administrative decision, the High Court reconfirmed, again, interpretation of the domestic provision in the light of the Regulation (EEC, Euratom) 1182/71 of the Council of 3 June 1971. Judgment of 29 February 2016, High Court, No 1, [2016] OJ 93, para 40.

In another case, the High Court had to rule on the issue of whether it is under the Albanian courts' jurisdiction to review an application for the interim injunction when the parties have an agreement for another jurisdiction. The High Court cited Regulation 44/2001 on 'jurisdiction and the recognition and enforcement of judgments in civil and commercial matters' arguing that "despite the fact that our country is not yet a member of the European Union with all the rights pertaining thereto, directives (regulation) adopted by them are guiding for our legal practice".¹⁷ Only a few days later, the High Court acknowledged the importance of the process of approximation of the existing Albanian legislation with the *acquis*. The High Court stated that:

Our country should strive to ensure that its existing and future legislation converge move gradually towards alignment with the *acquis communautaire*. Albania shall ensure that the existing and future legislation be applied and imposed properly (article 70 of Law No. 9590, 27.07.2006 'On the Ratification of the Stabilisation and Association Agreement with Albania and European Communities and its Member States').¹⁸

There has been a relatively increasing attitude to embrace the 'Euro-friendly approach'. The High Court has relied on the ECJ cases to interpret the national legislation. In the Judgment of 27 April 2015, a case concerning sexual relations with the minors as stipulated by article 100 of Albanian Criminal Code, the Joint Chamber of the High Court referred to *Pupino* case¹⁹ which "argued the obligation of the Member States to interpret their procedural criminal law in the light of the EU law and the protection of vulnerable victims, such as minors, with respect to the life and privacy of the minor, giving their testimony in accordance with the measures taken to protect them to a certain level".²⁰ In its decision, the Joint Chamber of the High Court failed to explain the reasons for relying on the ECJ cases and their impact on candidate countries.

In the Judgment of 29 February 2016, concerning the partial annulment of an administrative act of the General Director of State Police, the Joint Chamber of the High Court referred to the European Convention on the Calculation of Time-Limits, adopted on 16 May 1972 that is not ratified by Albania and the EC Regulation 1182/71 which determines the rules applicable to periods, dates and time limits. The Joint Chamber of the High Court emphasized that according to article 3 (1) of the Regulation 1182/71 "where a period, expressed in days, weeks, months or years is to be calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be considered as falling within the

¹⁷ Judgment of 11 January 2011, High Court, No 22, [2011] OJ Special Edition, 125.

¹⁸ Judgment of 17 January 2011, High Court, No 1, [2011] OJ 88-e.

¹⁹ Judgment of 16 June 2005, *Pupino*, C-105/03, ECLI:EU:C:2005:386.

²⁰ Judgment of 27 April 2015, Judicial Chamber of the High Court, No 1, [2015] OJ 142, para 48.

period in question". While the Joint Chamber explained that Albania has not ratified this convention and does not have legal effects due to lack of ratification (Constitution of Albania, article 122/1), the impact of EC Regulation on Albania's legal system was not elaborated. The Joint Chamber just cited and stipulated the object of this regulation as a persuasive source to support the decision.²¹

In another case, the Judgment of 23 March 2016 concerning the dissolution of marriage and the consequences upon the children, the Civil Chamber of the High Court argued that the recourse of the plaintiff is contrary to the EU Law. In elaborating this position, the Civil Chamber of the High Court firstly provided a general overview of the SAA signed between EU and EU MS on one hand and Albania on the other hand. According to articles 6 and 70 of the SAA, Albania is obligated to ensure existing and future legislation in compliance with the EU *acquis*. Secondly, the Civil Chamber of the High Court, after explaining the legal nature of regulation, emphasized that "despite the fact that the Republic of Albania has not yet become a full member of the European Union, the regulations adopted by them are a guide in our legal practice". Finally, the Court concluded that:

Currently, in the pre-accession phase, the Republic of Albania has no obligation for the direct application of the EU normative system. National courts may refer to Community law in cases of legal omissions or collisions (*praeter legem*), but in no case should this interpretation be contrary to the provisions of national domestic law (*contra legem*).²²

The 'Euro-friendly approach' of the High Court was further elaborated in the Judgment of 2 July 2020 and Judgment of 8 July 2020. Both these cases concerned the dissolution of the marriage. The Civil Chamber of the High Court interpreted the amendment of article 38 of the Code of Civil Procedure based on the obligation stemming from Regulation (EU) 1215/2012 'on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters'. The Court argued that this obligation is foreseen in Art 70 of the SAA which reads as follow:

1. The Parties recognize the importance of the approximation of Albania's existing legislation to that of the Community and its effective implementation. Albania shall endeavor to ensure that its existing laws and future legislation shall be gradually made compatible with the Community *acquis*. Albania shall ensure that existing and future legislation shall be properly implemented and enforced.²³

²¹ Judgment of 29 February 2016, Judicial Chamber of the High Court, No 1, [2016] OJ 93, para 40.

²² Judgment of 23 March 2016, the Civil Chamber of the High Court, N 94, [2016]. The same argumentation was maintained as well in the judgment of 29 June 2017, the Civil Chamber of the High Court, N 81, [2017].

²³ Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part - Protocols – Declarations [2009] OJ L 107.

In the Court's opinion, based on this provision, the Albanian government has taken the commitment to gradually approximate Albanian legislation with EU *acquis* as a precondition before accession. Moreover, in the Court view:

Article 70 of the SAA is an instrument through which the EU Law is internalized, absorbed, and becomes part of the Albanian legal order. The obligation enshrined in article 70 of the SAA, in the first place establishes the positive obligation for the legislature to have the law of the European Union as a basic standard during the law-making process. Secondly, article 70 imposes an obligation on judicial bodies, in the course of their daily work of resolving disputes, to the extent possible, to apply and interpret the law in the spirit of Community law.²⁴

For the first time since 2009 when SAA was ratified, the High Court of Albania articulated clearly the 'Euro-friendly approach' even in the pre-accession phase based on article 70 of the SAA. In these decisions, the High Court highlighted the obligation of the judiciary to apply and interpret Albanian Law in the spirit of the EU Law. It remains to be seen how the Court of First Instance and the Court of Appeal will address the issue of enforceability on EU Law.

CONCLUSION


Since 2009, when the SAA entered into force, judicial reform has been at the top priorities of the EU pre-accession. The judicial system in Albania is perceived as being highly corrupt, with very close links to politicians and organized crime (Erebara 2018). While since 2016 the judiciary system in Albania has been faced with a huge reform, this paper analyzed the role of judicial harmonization in the pre-accession period and the applicability of the EU law by Albanian national judges.

The paper showed that likewise the CEECs countries, even the Albanian Constitutional and the High Court followed a Euro-friendly approach even before accession. In several case decisions, both courts acknowledged the importance of the approximation process as Albania is a candidate country and referred to the EU's primary and secondary sources. Nevertheless, looking closely at court decisions, the EU law is applied as a persuasive source of law to support the court's decision and not to explain the importance of relying on EU law or ECJ case law. In some decisions, the EU law is cited as an international agreement without going into further details on the reasons why it has been considered and its impact on the national legal system. Only recently in 2020, the Albanian High Court explained the relevance of article 70 of the

²⁴ Judgment of 2 July 2020, the Civil Chamber of the High Court, N 213, [2020], para 16.1 and Judgment of 8 July 2020, the Civil Chamber of the High Court, N 213, [2020], para 15.1

SAA 'approximation clause' and argued the need for the judiciary to interpret domestic existing and future legislation in line with the EU *acquis*.

One of the main reasons for the very limited EU judicial harmonization in Albania relates to the lack of proper EU legal education of judges and lawyers. According to Law 96/2016, candidates for judges have to attend for three years the Albanian School of Magistrates. Only after completing the final exam and vetting process (Law 96/2016, article 35), the judges are eligible to be appointed by respective councils. In the School of Magistrates, the course 'The EU Law' is included in curricula as obligatory in the first year. The course is given in two semesters with 36 hours in total and the SAA with Albania is given only 2 hours (School of Magistrates 2021). Whereas concerning the continuous education of the judges, the Albanian School of Magistrates organizes various training on different topics of EU where judges have discretion whether to attend or not.

As Albania is waiting to open accession negotiations and under the obligation to approximate its legislation with the EU *acquis*, the School of Magistrates should pay more attention to increase the hours for EU law course for two main reasons. Firstly, judges will be able to understand properly the EU Legal system and its case law because as stipulated in the case *Van Gend en Loos*, the ECJ held that the EEC "constitutes a new legal order of international law" and most of the EU judicial *acquis* is judge-made law (Ćapeta 2005). Secondly, an emphasis should be given to the impact of the SAA in Albania and the obligation for EU judicial harmonization. Moreover, considering the importance of EU Law and 'its distinctive nature', training for continuous education should be mandatory and not at the discretion of the judges to select it. In a conclusion, while the approach so far has been positive by the Albanian highest court to follow a 'Euro-friendly approach' referring to the EU law in the pre-accession stage, however, more awareness should be the importance of the EU judicial harmonization. 

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THE CONCEPT OF JUSTICE IN REFERENCE WITH PHILOSOPHIES OF PLATO AND ARISTOTLE: A CRITICAL STUDY

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Abstract: *The concept of justice has been a constant issue since its conception. The Greeks also attempted to define justice. They have observed justice as goodness in deeds and so a virtue. In the Greek mind, fairness was an attribute of the spirit or soul, while injustice was a sin. Both Plato and Aristotle defined justice as kindness as well as a desire to follow the law. It alluded to the connection between rights and duties. In human interactions, justice was the pinnacle of excellence and the attitude that animates folks in the right fulfillment of their responsibilities. The development of harmony and peace in thinking and conduct was pre-eminently social. In the same way, Aristotle's and Plato's fairness are complementary; both philosophers seek to discover a concept of ability by which unity, harmony, virtue, and pleasure may be produced in a community. Despite this shared agreement, they are fundamentally different in many ways. In this paper, an attempt has been made by the author to discuss the similarities and dissimilarities in theories of justice propounded by Plato and Aristotle.*

Keywords: *Universal Justice; Particular Justice; Distributive Justice; Rectificatory Justice; Procedural Justice; Substantive Justice*

INTRODUCTION

This paper is not a problem-solving piece, but rather the author has attempted to expand the ideological and conceptual understanding regarding the theories of justice proposed by Plato and Aristotle. In doing so, the author has tried to articulate and develop a better philosophical picture of theories proposed by Plato and Aristotle. Moreover, the author has attempted to compare and contrasts both theories of justice. And, it has been synthesized that these theories are still relevant and can be used as a moral toolbox to eradicate the widespread complex forms of injustices. The study uses the qualitative method of inquiry, such as the comparative, analytic, and critical methods. All three methods have been used to discuss the theories of justice given by Plato and Aristotle.

THE PLATO'S THEORY

Plato has contributed to society in many ways, and one among those, which is considered as the finest accomplishment, can be credited to his theory of justice. Justice, according to Plato, is a property of the person, the human mind, or the soul. It may be comprehended through examining the human soul, its traits, and its characteristics. The Republic of Plato devotes the most attention to the idea of justice. He considers justice to be the factor that binds a community intact. The Republic deals with the relationship between people and the real concept of social existence. The primary task of this book Plato is to uphold the rule of law. The inability of rule of law would invariably lead to the disintegration of the whole civilization. The philosopher-king would take every precaution to ensure that fairness is established. That is a reason why the constitution is referred to as a 'treatise on justice'. Plato's aim in developing the theory of justice was to refute the sophists' false ideas. The progressive system is the pinnacle of morality, fairness, and idealism, and justice cannot be reduced to a secondary role in such a community (Maurya 2020, 274).

No matter it is the highest-ranking official in the region, the ultimate objective is one in which the contract of justice unites various social groups. The primary object of Plato's Republic is to have peace and stability, social order and security, as well as all the chances for social interaction that make up the necessities and facilities of civilized life (Aristotle 1980). Plato considered the qualities or characteristics of a healthy society. According to him, society is nice if it embraces the four Greek cardinal virtues. Such as wisdom, courage, temperance, and the last one is an outcome of these three i.e., justice. Plato asserts that every country has its qualities, and the Greeks believe in these four virtues (Dahl, 1991, 812). He then goes on to investigate the various virtues. Justice is the most significant and a by-product of these three virtues (Dahl 1991, 819).

Plato has constructed his society based on these three virtues of an individual. According to him, a society can only flourish if it has a well stratified and distinct social order based on these qualities. For instance, if there is a soldier, he must have emotion as a dominant trait in his character or personality, and befitting virtue related to this class of soldier will be courage. In the same way, the class of philosophers must know dominant traits, and befitting virtue related to this particular class would be wisdom. Likewise, a trader must have the appetite as a dominant trait in his character and the befitting virtue of this particular class would be temperance. And, if the classes of society are working in accordance with the dominant trait and virtues the society will automatically get the state of justice (Dahl 1991, 809).

R. L. Nettleship expands on Plato's definition of bravery, saying that courage is the defense of a correct judgment in all conditions, not only on the battleground. Plato often implies strong confidence and determination as he says bravery. Individuals are encouraged to combat inequality and irrationality as a result of their beliefs. Bravery

creates fairness in this manner (Bhandari 2002, 44). Self-control is the next quality in a healthy society. Unusually, Plato also explained the principle of self-control. He claims that the human soul is divided into two parts: inferior and superior. Self-control entails the inferior portion becoming obedient to the dominant part (Bhandari 2002, 33).

In the same manner, there are superior and inferior groups in a province (Bhandari 2002, 5-54), and the latter should submit to the former. The inferior's obedience to the dominant is insufficient for the province's self-control to be realized.

The groups of the society are required to accept. The treaty's core concept is who will govern the province and who will follow. To put it another way, Plato wishes to stress that all law and obedience must be founded on consensus for there to be no complaint. Plato's self-control, whether in the sense of a province or an entity, is a kind of orchestra. To fulfill the environmental obligation is justice, according to Plato's philosophy. So every category and citizen can carry out their responsibilities without anyone interfering with the actions of others. Plato said in 'The Republic' that in the situation of people in general, every human should indeed be put to being used for which nature meant him, one to one job (Dunning 1966, 28-29), and that then each individual should do his work and become one and not that several; and the whole town would have been one and not much more. Plato wishes to assert that existence has endowed certain persons with physical strength while others have been endowed with intelligence and wisdom. Any man has been courageous as a result of it.

Normally, one individual is incompetent for the work of another. If we embrace this weather occurrence, we should anticipate a man to work with nature in some way. This is the fundamental concept of law. Plato claims that if this is accomplished, liberty will begin to flourish in culture. Plato examined the definition of justice from a broader viewpoint, and as a result, he stated that justice is fully relevant in society. This is what we call justice (Anderson 2010, 1-24). Plato has stated emphatically that this must be achieved in a successful state. Specialism is another term for Plato's philosophy of justice (Anderson 2010, 14).

From the perspective of specialism, analyzing Plato's philosophy of justice according to Barker, justice is specialization; it is merely the desire to perform one's station's responsibilities while avoiding interfering with the activities of yet another unit, as well as its habitats is thus in the view of any person who performs his duty in his assigned location (Garthoff 2018, 181-208). According to Plato's Republic, justice requires that every other person and doing his enterprise, and perhaps the only company, to which he is ideally suited. Thus according to Plato, meddling and intervention create tremendous inequality. Thus, he claims that fair deeds result in punishment, while unfair actions lead to injustice. It can be analyzed by the above discussion as to how Plato called for fairness to avoid civil strife and division within the various groups and persons (Epicurus 1997). He believed that if each group was involved in fulfilling its natural obligation, there would be little need for discontent. His conviction

was that the lack of specialism was the primary source of public discord and that through specialism, personal aspirations for political office and interference with other people's roles would vanish.

Plato never used the term 'justice' only at the state-level but he was always eager to see justice following the human soul. He also did not offer the word any legal meaning. Justice is a quality, much as bravery, self-control, and intelligence. Spiritual excellence in the perfect society is made up of the 4 principles. This ethical honesty is, once again, a quality shared by both the person and the province. As a result, the rational type of justice is ethical honesty. Individuals and states are not two distinct bodies. Both need justice (Annas 1976, 147-148). Justice or ethical honesty, not any lawful act, binds the person and the region - Plato's philosophy of justice rules out the prospect of legislation interfering with justice.

Plato has discussed that the spirit consists of three elements: purpose, soul, as well as hunger (Annas 1976, 147). In comparison to these three components of spirit, morality is associated with justice (Annas 1976, 148). In the same manner, we may argue that the fairness of the society is linked to the province's justice against its people. The constraint that would be the first thing that comes to mind when thinking about justice is its architectural essence. Much as the architect's jurisdiction acts as a restriction on inferior artisans, curtailing their enthusiasm, constraining their reach, and restricting their independence in the context of the architecture (Hacker-Wright 2007, 82). As a whole, justice acts as a restriction on a person's power, preventing him from doing many items about which he has both the urge as well as the potential.

There are some principles or perfections in Plato's philosophy of the ideal world, and now one of them is justice. However, it takes on the function of an artist. In other words, it is architectonic in comparison to other achievements. The following is how Michael Foster has shown his point. A carpenter makes a door with a high level of skill. However, the door's quality cannot be measured in isolation (Stace 1962, 320). When considering and evaluating the architecture and beauty of the house, the other parts of the structure must be taken into account. The door's architecture and dimensions must complement the building's other characteristics. This does not work for a carpenter; it is the responsibility of the builder. An architect's ability is not limited to a single unit, but it can be seen in all of them. Justice, according to Plato, serves as an architect. It functions as a command center for the individual's abilities, justice is not either a spiritual good or a human virtue; it often has political significance. It is an attribute that allows an individual to interact with other people, and this interaction shapes human culture, which is the focus of political science. Justice instills in each of us the ability to exercise self-control. It deters many people from engaging in behaviors that are detrimental to those in society. As a result, self-control is central in every political culture. An analyst made the following statement when discussing the law. For Plato, "justice is both a part of human nature and the connection that binds men with each other in the province"

(Pogge 1994, 23). It is the same attribute that makes a person successful as well as social. This concept is Plato's democratic philosophy's first and most important concept. Sophists acknowledged justice's political importance, but not its moral value, that is, its spiritual goodness. That was a major disadvantage for the Sophists. According to the Sophists, justice or virtue was necessary for the establishment of political life. Plato did not approve of the Sophists' reluctance to recognize it as a human value. We can conclude that Plato's definition of justice is a complete and complete philosophy through this perspective.

THE ARISTOTLE'S THEORY

The essential principle of fairness pervades much of Greek political thinking. It is a conceptual idea that is impossible to describe in concrete terms, and various philosophers see it distinctly. However, according to Aristotle, there are two sorts of justice: general or universal and individual or particular justice (Ross 2009, 82 (1030a)). The former corresponds to following the rules to remain moral. In other words, Aristotle asserts that the state of lawfulness is called justice. According to Aristotle, happiness is the highest of all goods that is attainable, provided that may be perceived in different ways and manners with the different human minds. In *Nicomachean Ethics*, Aristotle distinguishes particular justice further in two types: distributive justice and corrective or punitive justice (Wayper 1954, 16). In his own words, "the just as the fair and equal: divided into distributive and rectificatory justice" (Ross 2009, 82 (1030a)). According to distributive justice, the province should separate or share products and resources among people based on ability. Thus, corrective justice is split into two categories: voluntary transactions (civil law) and forced transactions (criminal law) (Ross 2009, 84 (1030a)).

To the above forms of justice, Aristotle applied economic and aggregate justice (Ross 2009, 83 (1030a)). This mode of justice, according to Aristotle, is the most effective rule for preventing revolutions since it trusts in the correct and proportional distribution of positions, honors, goods, and resources as a resident of the community. The majority of this justice is dealing with political rights. Any political organization, according to Aristotle, must have its distributive justice.

On the other hand, he opposed both egalitarian and oligarchic criteria of justice. He is allowing only the noblest to be appointed to positions of power based on their greatest sacrifices to humanity since noble citizens are small (Nielsen 1979, 5). Aristotle argued that the majority of the workplaces could be reserved for a select few (Nielsen 1979, 5). Aristotle's philosophy of universal justice is quite interesting to be followed. The ideas such as the rule of law, equality before the law, and lawfulness were worthy of being by the mindset of individuals and states from ancient to modern times. Some thinkers may disagree with this thought. But, the deviation from this was arbitrary that

was directed through some morally as well as legally impermissible policies and laws for nullifying or impairing the effects of equality. When it comes to particular justice, Aristotle appears to signify the kind of justice as a morally permissible and desirable distribution of commensurable goods, disadvantages, and benefits among ordinary people. From this discussion, it can be said particular justice is a system of norms unlike the commonality of general justice, which is responsible for integrating the society as a whole. Consequently, Aristotle has classified justice into two types namely; distributive justice and rectificatory justice. In his own words, “the just as the fair and equal: divided into distributive and rectificatory justice” (Ross 2009, 82).

Moreover, Aristotle’s concept of particular justice has two strains. The first one is distributive justice, which is based on the philosophy that everyone should be given his due concerning the contributions to the authority. In other words, distributive justice appeals that a just distribution of consumable goods should be required in the state to ensure justice (Ross 2009, 82). This is the reason; the concept of distributive justice is always understood in this way, ‘treating equals equally and un-equals unequally which means that an individual’s right, duty, and reward should be in proportion to his merit and contribution to the state. Hence, according to this view of justice, the proportionate things just mean just and proportionate both are synonymous with each other. It is also an intermediate status between too large and too small or too much and too little (Ross 2009, 85). It is mandatory to mention that the distribution is not arbitrary and blindfolded. Agent must have to take into account several particulars such as what is his or her share in proportion to his or her unequal worth or merit of an individual. According to the visualized ratio the distribution would take place. This mode of distribution takes place according to the geometrical proportion (Ross 2009, P. 84). Along with this, sometimes distributions take place in society according to the individual concerned.

The second type of particular justice is commutative or rectificatory or corrective justice (Ross 2009, 86). This type of justice is required in the case where one person performs some actions against other in such a manner that the agent gains and the victims suffer. Applying the core idea of this kind of justice is the best way to solve these unequal gains and suffers. There is a dire need to take back the morally impermissible benefits of the agent and returns them to the victims. Hence, by punishing the agent and compensating the victims, equality is restored (Ross 2009, 86). It is needed to be motioned that restorative justice does not demand or look into the status of an individual in the die course of awarding penalty or compensation but instead it has to be taken into account the nature of disadvantages caused to victims and benefits gained by agents (Ross 2009, 86). Thus, in this process, the individual’s status is not taken into account. For this reason, justice follows the law of arithmetic proportion.

A COMPARISON IN VARIOUS FIELDS

Philosophy

Plato held the belief that ideas had a basic, perfect nature, which led to his idealistic theory. Aristotle argued that fundamental types did not have to be attached to any idea or phenomenon and that each example of an idea or phenomenon had to be examined separately. Aristotelian empiricism is the product of this perspective. Plato believed that logical tests and inference would suffice to 'demonstrate' an idea or determine an object's attributes, but Aristotle disagreed, preferring direct observation and practice (Bertrand 1961, 185-201). Plato preferred inferential thinking to deductive reasoning in philosophy, while Aristotle preferred deductive reasoning.

Opinions, according to Aristotle and Plato, are equivalent to sensations (Moravcsik 1979, 24). Unlike Plato, who claimed that the perceptions could deceive a human, Aristotle claimed that the senses were necessary for properly determining truth. Plato's allusion to the cave is a good illustration of this distinction. To him, the universe was like a tunnel, where all one could see were shadows cast by the outside sun, and feelings were the only truth (Moravcsik 1979, 24). According to the Aristotelian approach, the natural alternative is to exit the cave and personally observe what is throwing light and shadows instead of focusing entirely on implicit or inner impressions.

Political Theory

The Republic of Plato puts forth a philosophy of justice: a philosophy of morality and a philosophy of politics. Plato has set a philosophy of political justice to further the ethical debate, drawing a parallel between the three sections of the mind, purpose, spirit, including desire, and the three classes of an ideal society: rulers, soldiers, and producers (Roochnik 1986, 301). The three sections of the just state, like the three parts of the just entity (Roochnik 1986, 295–310), exercise their duties following the other parts. The rulers are aware of not just the state's good but, most importantly, the good itself, as a result of years of intensive preparation to read them for their leadership position. The kings, according to Plato, must simply live and communal property, without personal land and sometimes sharing intimate partners. Both children born to rulers and other groups will be checked, with those who demonstrated the greatest talent and morality being accepted to ruler-ship learning (Roochnik 1986, 302).

'The Republic' of Plato is illustrious for its proclamation that only thinkers can preside over and its resistance to populism or administer by the populace. It generally symbolizes the opinions of the ancient Socrates, whose evaluation of Athens' democratic system may have supplied to his conviction in addition to implementation for irreverence and erstwhile offenses in three hundred and ninety-nine. Plato projected

in considerable depth an amalgam system mingling aspects of both 'Monarchy and Democracy' in one of his last books, 'The Laws'. Scholars differ about whether the commandment is evidence that Plato lost his opinion on the magnitude of independence or if he was in point of creating substantive forgo cause of individual earth's shortcomings. As per the above standpoint, Plato's perfect humanity, or utopia, stayed the democracy, while the laws imitated the maximum that could be prepared in realistic conditions.

Aristotle is notable in political science for finding that person is a political being, which means that human beings essentially silhouette political civilizations. Even so, individuals cannot endure devoid of the prop up of civilization and the crucial aspiration of civilizations to cultivate well-being. Aristotle is also memorized for constructing a category of administration figures to recommend an avant-garde conception of democracy that was never commonly adopted.

Provinces, as per Aristotle, maybe categorized stood on the numeral of administrators as well as the desires they rule. Monarchy is where solitary individuals administer in the best welfare of each and everyone; dictatorship is when one individual governs in his own best comfort (Aristotle 1980, Book V). Aristocracy is controlled by a privileged group in the interests of all; oligarchy is rule by a privileged group in the interests of itself (Aristotle 1980, Book V). Polity is controlled by the mainstream in the welfare of every single 'democratic system' governed by a community of its comfort, which is called 'mob rule'. Monarchy is the highest system of administration in standard, and aristocracy is the second-best (Aristotle 1980, Book V). Though, the polity is the improved model as monarchy as well as aristocracy frequently distribute into hegemony in addition to oligarchy, respectively. Plato believed that to create an ideal system of governance, individuals could subsume their desires to those of society. His Republic depicted a utopian world in which each of the three groups (philosophers, soldiers, and workers) had a part to play, and the government was left in the care of the 'philosopher rulers', who was considered the fittest for the job (Morrison 2001, 1–24). The tone and point of view are that of an aristocracy caring for the less competent. Yet, without the Spartan oligarchy against which Plato battled, the Republic will take a more philosophical and much less martial course.

The town was Aristotle's core political entity, which took priority over the house, which assumed priority over the citizen. According to Aristotle, man is a political animal by birth and cannot escape political problems (Aristotle 1980, Book V). In his opinion, politics is more like an individual than a system (Weber 2000, 73). The polis aims to establish a place where its citizens can live a decent life and conduct beautiful deeds rather than provide justice or economic prosperity. Despite rejecting utopian solutions and large-scale structures (like states or kingdoms), Aristotle became the first political scientist, studying political dynamics to devise changes.

The detection of contentment was the core concern of morality for Plato and Aristotle, as it was for most prehistoric moral philosophers. They did not articulate a happy rational situation when they supposed 'happiness' (the Standard English version of the Greek word 'εὐδαιμονία' or '*eudemonia*'), but quite a vigorous human existence or existence of a person thriving. Virtue was the way by which peace was attained. As a result, ancient ethicists usually focused on 3 (three) queries: a) what constitutes a decent or prosperous person's existence? b) What qualities are required to accomplish it? and c) how does one attain such qualities? (Aristotle 1980, Book V).

Plato's early conversations cover a wide range of topics, including the essence of traditional principles like bravery, piety, and temperance, as well as more basic issues like whether morality may be learned. Socrates (Plato's teacher) is conversing with ostensibly knowledgeable people and the odd star, often exposing their meanings as insufficient. While Socrates claims ignorance and does not give his concepts, he implies that morality is a type of intelligence (Santas 1985, 223–45). Conscientious conduct (or the intention to behave justly) derives inexorably from such awareness, a viewpoint shared by the traditional Socrates, as according to Aristotle.

Socrates moves ahead to a belief of justice as a status of the spirit in Plato's later discussion, which is construed to articulate his outlooks. The just or righteous human, according to that job, is someone whose spirit is in equilibrium, with each one of its three components, "reason, spirit, and appetite" (Annas 1976, 147-148), desiring what is correct and right for it furthermore acting within prescribed bounds. The reason, indeed, figures out and wishes the person's benefit and the high-quality in specific. Nevertheless, such knowledge of the form of the positive can only be gained by years of study in discursive and other sciences, which the Republic often defines as an instructional curriculum. The evaluation depends on the end which it produces (Annas 1976, 147-148).

Contentment, for Aristotle, is not only a situation of the intellect but also a kind of proper procedure. He believed that the most important aspect of a healthy human existence is logic, which is a uniquely human practice. As a result, virtuous living is the moral practice of strength led by qualities (Fredev 2012, 367–390). Aristotle accepted philosophical and pragmatic or spiritual values, like courage and restraint, and intellectual virtues such as intelligence and knowledge. The latter types of virtue are usually thought of as a compromise between two extremes. According to Aristotle's '*Nicomachean Ethics*', contentment is the pursuit of spiritual reflection in an individual who has spent a lifetime cultivating all of the academic and spiritual qualities. According to '*Eudemian Ethics*', contentment is the practice of spiritual qualities in the political arena, while some philosophical and spiritual values are assumed.

When it refers to morality, the relation between Socrates, Plato, and Aristotle is most apparent. In his insistence that intelligence is quality in itself, though, Plato was Socratic.

This implies that doing the correct thing to do would inevitably contribute to performing the right thing; this meant that morality might be learned through telling others right from wrong, good from the bad. According to Aristotle, knowing what was correct was not enough; one had to want to behave properly, in essence, to form the practice of doing well (Aristotle 1980, Book V).

Knowledge is the fundamental virtue, according to Socrates and Plato, and with it, one may consolidate all qualities into a whole. Aristotle argued that knowledge was admirable, but reaching goodness did not guarantee the unity (acquisition) of all virtues. Wisdom, according to Aristotle, was a task that could only be accomplished by effort and that unless an individual wanted to consider as well as behave properly, certain qualities would appear elusive (Aristotle 1980, Book V).

Socrates argued that pleasure could be found without goodness, but it was a foundation and bestial pleasure. Plato said that goodness was necessary for pleasure and that 'moral luck' did not exist to bestow incentives (Hampton 1993, 135–65). Aristotle held that goodness was appropriate for pleasure but inadequate in itself and that a good individual required acceptable social structures to experience satisfaction and happiness. It is worth remembering that during Plato's and Socrates' lifespan, Greek opinions on these subjects were more akin to Aristotle's than it is to Plato's or Socrates'.

Science

Plato's and several other Greek thinkers' contributions to science were overshadowed by Aristotle's. Plato wrote regarding physics, geometry, and mathematics, but his ideas were more exploratory than practical. A few of his works deal with genetics and physics, but only a handful of them contributed to the state of science at the moment.

Aristotle, on either hand, is regarded as one of the earliest genuine scientists, along with very few others. To study the cosmos and make hypotheses based on his observations, he developed an early prototype of the scientific process. His approach has evolved, but the overall mechanism has remained the same. In algebra, physics, and geometry, he introduced novel principles, but much of his study was more like variations or interpretations of emerging theories than discoveries. His zoology studies, including botany, prompted him to describe all forms of life, a project that lasted decades and served as the foundation of biology. Even though Aristotle's category scheme has been modified, much of his methodology is still used today in phraseology. His astronomical discourses called for stars apart from the earth, but they stayed geocentric, a concept Copernicus would later debunk.

Aristotle introduced modern theories and discoveries to various areas of science, like medicine and geology, and although many of his concepts were later abandoned, they helped to open up fresh avenues of research for others to pursue.

Forms

The significant distinction, which can be observed between Plato and Aristotle, is in their concepts related to realities. According to Plato, the world of forms is the real world, which is related to the sense-independent idea only. So any attribute or kind corresponds to a type that is its complete exemplar or ideal kind. The qualities “beautiful and black refer to the types of beautiful and black, respectively, while the kinds of horse and triangle conform to the types of horse and triangle” (Drydyk 2012, 23–38).

When it ‘engages’ in the ways that refer to certain products or types, a component has the characteristics it has or corresponds to the type it corresponds to (Drydyk 2012, 23–38). Stuff is a magnificent black horse since it engages in the Magnificent, the Black, and the Horse; a thing is a big red triangle since it engages in the Large, the Red, and the Triangle; and so forth.

Types, according to Plato, are hypothetical structures that reside outside of time and space. As a result, they can only be known by the imagination, not through sense perception. Furthermore, since the Types are perpetual, they have a greater level of reality than objects in the universe, which are modifiable and constantly come into or out of being. Plato's mission in philosophy is to explore the essence of the Types, the only true truth, and their interrelationships by justification, resulting in an interpretation of the most basic Kind, the Better or the One.

Aristotle sacked Plato's belief of Shapes, but not the explanation of the figure itself. Things, as per Aristotle, do not happen separately of belongings; each type is a type of something else. A thing's considerable nature is the type of which it is assigned, for which it will be of a separate kind or eventually disappear entirely (Hacker-Wright 2007, 449–473). ‘Black Beauty is a horse’ ascribes a significant shape, horse, to a specific object, the animal Black Beauty, and Black Beauty does not operate without such a type. In contrast to substantive types, unplanned forms can be lost or acquired without affecting a thing's intrinsic essence. ‘Black Beauty is black’ ascribes to that same animal an unintentional shape, blackness, which may shift color (somebody would draw him) without losing his identity. Not only are significant and unintentional types not formed, but they are also not permanent. They are either incorporated into a thing at the time of manufacture or obtained later, like certain unintended types.

MODERN EVALUATION

Although Plato and Aristotle are synonymous with theory and the pinnacle of Greek civilization, their activities are still not examined at desirable certainty. Most of what they said has been dismissed or ignored in favor of modern knowledge and ideas. See the video below for an explanation of a philosophy advocated by Aristotle and Plato that is no longer deemed legitimate. It concerns Plato and Aristotle's views on oppression.

Aristotle was seen as a barrier to scientific advancement by scholars and scientists since his activities were considered so comprehensive that no one questioned them. The use of Aristotle's activities as 'the ultimate authority' on several topics hampered genuine experimental methods (Friedman 1987, 92). This flaw is not attributable to Aristotle but rather to the way his works were used. Aristotle is known as 'the First Teacher' by Islamic academics, and much of his retrieved studies may have been lost if not for Arabic versions of the actual Greek discourses. Plato and Aristotle may be more beginning posts than nodes on analytical routes these days, but many people nevertheless read their works. Aristotle was inspired by Plato, much as Socrates influenced Plato. However, following their demise, each man's presence spread in various directions. Centered on his relations to Socrates and Aristotle and the existence of his books, which were used until his college collapsed in 529 A.D.; his activities were then replicated across Europe. Plato became the dominant Greek philosopher (Bloomfield 2012, 46–64). Plato's works were compulsory reading in classical education for decades. 'The Republic' was the main text on political philosophy until the nineteenth century, praised not just for its opinions but also it is graceful writing.

Throughout the Middle Ages, Aristotle and his works were the foundation for both theology and research. In theology, Aristotelian ethics served as the foundation for St. Thomas Aquinas' works, which shaped Christian ideas about free will and morality (Bloomfield 2012, 51). Until the XVI century, when Renaissance thinking questioned and gradually replaced most of Aristotle's empirical data, they have deemed the last word of science. Despite this, Aristotle's observational method focused on evaluation, theory, and direct practice (research) is a minimum part of the foundation for experimental practice in almost any area of science.

CONCLUSION

To sum up, it can be said, that Plato has given an ideological or philosophical concept of justice, which is rested on the human soul and its dominant traits. Moreover, he has been a champion of class structure based on the dominant traits in the human soul (Annas 1976, 307–21). For, instance, philosophers having the knowledge, soldiers having the courage, and the working class having appetite as their dominant traits or virtues. This very idea of class structure has been questioned from a variety of perspectives from various thinkers. He promulgated the philosophy of speciality as a prerequisite for justice and peace. However, it is very disheartening to observe that Plato did not discuss anything about the current situation of his territory. For instance, in his own time, Plato observed the conflicts which are therein. Despite the fact, he did not analyze or ever said on the disputes or controversies among the representatives of the same party or between groups of the same dominant traits or virtues. Even, in India, a long battle is fought so far due to class or caste structure. Plato does not involve himself or ever tried to philosophize these crucial things to settle them (Annas 1976, 307–21). This can be regarded as the most significant drawback of Plato. He should have provided provisions for the resolution of these disagreements caused by the formation of class structure. Looking at the current changing dimensions of governance and changing in the attitudes towards the human constitution, it can be formulated that the co-existence of different classes in the same societies can only be seen, if all groups of individual traits and virtues will exercise self-control and stick to their assigned duties and supposed obligations. Justice can never be done through self-control (Maurya 2021, 824). So, justice can be an outcome of following duties according to the stages and aspects of human life and existence. If an individual does not ever attempt to practice, it can become a challenge and, it will lead to the society into an unintended struggle and conflicts among the individuals out there (Maurya 2020, 3938–3949). This is the reason; Plato has been observed as the philosopher who muddled the line between religious and legal commitments by blurring the contrast between them.

It is very interesting to note that Plato's concept of justice is rested more on the moral picture of the human constitution, which makes Plato not be accepted universally by modern thinkers (Annas 1976, 307–21). For instance, the social order based on the class structure would lead to the subordination of certain classes to another. It is because; by the passage of time, virtues or traits got into hierarchical structure too, likewise, wisdom got superiority over other two virtues, which indirectly led to the social-classes into an unavoidable emergence of hierarchy in the social-classes. Consequently, some classes of the society got dominance over others (Maurya 2020, 227–234). Then, the world witnessed the dominant class and oppressed class of the society and, it paves a better way to exploitations and discrimination. This article has put many points on which both agree and disagree.

Plato has a different perspective to get the ideal state, likewise, Aristotle. But, it is important to note that this was the time when the thought process and philosophy were being shaped by these two great philosophers. Plato has attempted to get his ideal world through discussion on the human constitution and its dominant traits and virtues. And, he asserts that if society will be based on by looking at these characteristics of the human soul, harmony and development will not be too far to attain (Annas 1976, 307–21). But, modern perspectives pay less attention to this idealistic theory of justice proposed by Plato. Here comes the role of Aristotle, he has talked about justice in a very approachable and practical way. Like, when Aristotle asserts that general or universal justice means to act lawfully or conduct following law. In other words, it can be said that justice is a state of lawfulness that means everyone should be treated equally (Aristotle 1980, Book V). Aristotle discusses particular justice, which is further divided into two sorts; the first one, which has been already discussed above in the paper, i.e., the concept of distributive justice asserts that treating equals equally and un-equals unequally.

The second type of particular justice is commutative or rectificatory or corrective or remedial justice (Aristotle 1980, Book V). This sort of justice is needed when it is observed that in the relationships, an individual does an action in such a way that the other one gets harm (Aristotle 1980, Book V). It means, in this sort of justice, one person harms the other one. Interestingly, the concept of justice in Aristotle's philosophy also accepts that all the material and non-material structures have the only ultimate goal that is the fullest realization and actualization of the real happiness of human beings. For this reason, all the socio-economic and political structures should be molded in the way that they are meant to the realization of real happiness in their lives. Thus, it can be mentioned that justice is the core idea of Aristotle's philosophy that has the goal of the full-fledged development of society. A just society is that type of community where all the individuals are living in harmony with equality and amity (Maurya 2020, 99). The wealthy class's rent-seeking and the weak class's annexation pace are what propel manufacturing cycles in the Aristotelian economy. Since it recognizes trade-offs between the political impact of democratic government and vertical development methods, the Aristotelian economy's regular substitution of the dominant party contributes to higher levels of state productivity. Plato has taken away the freedom of the man to feel inside his direction. Human identification is impossible to maintain in the overwhelming structure of society (Maurya 2018, 402-412).

Interestingly, the concept of justice in Aristotle's philosophy also accepts that all the material and non-material structures have the only ultimate goal that is the fullest realization and actualization of the real happiness of human beings. For this reason, all the socio-economic and political structures should be molded in the way that they are meant to the realization of real happiness in their lives (Aristotle 1980, Book V).

Thus, it can be asserted that justice is the core idea of Aristotle's philosophy that has the goal of the full-fledged development of society. A just society is that type of community where all the individuals are living in harmony with equality and amity. From the discussion of Aristotle's and Plato's theory of justice, it is clear as a crystal that justice can take any of the discussed forms and sometimes more than the discussed numbers by the socio-economic, geographical, and historical backgrounds of the separate entity in which the concept of justice is being applied (Aristotle 1980, Book V). Despite varied forms in the various fabrics of the world, there is a common element running through these variations of the use that is justice is aimed at ensuring the common interest in entire individuals (Aristotle 1980, Book V). For instance, in Aristotle's and Plato's discussion of justice the central theme of their focus was to show the path to the attainment of the well-being of the whole society theory of social justice applied to the basic institutional structure of a modern liberal state. 🌐

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ANONYMITY AND OPENNESS IN GAMETE DONATION: THE RUSSIAN POLICY ON THE THIRD-PARTY REPRODUCTION

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Abstract: *The Russian Federation is one of the few jurisdictions where recipients and gamete donors have a wide scope of choice between anonymous, identifiable, and known donations. This paper examines how the Russian law regulates this sphere and how it is applied in practice basing on data collected in the largest reproductive cells bank in Russia. It demonstrates that the Russian Federation should be regarded as a country in which there is no single dominant approach to the matter of donor anonymity. The assessment of this 'freedom of choice' is not unambiguous. It gives recipients and donors the right to decide which option is the most suitable for their needs and motivations, simultaneously not resolving which values take precedence over others. The donor-conceived persons' right to disclose donor's identifying data sometimes may conflict with the donor's right to protect their privacy and usually, jurisdictions decide which one has the priority.*

Keywords: *Anonymous; Non-Anonymous; Donor; Gamete Donation; Russia*

INTRODUCTION

Legal regulations concerning third-party reproduction vary significantly all over the world. In some jurisdictions, donor's anonymity is unflinching and supported by law. Others amend their laws towards the removal of anonymity. Both of those different systems are sometimes supplemented by permission to use known donors, such as family members. In the majority of jurisdictions, the law explicitly indicates if gamete donation is anonymous or identifiable. A decision on the choice between those two types of donation is rarely passed on to involved parties - recipients, donors, and donor-

conceived offspring. The Russian law combines two approaches to release donor's identity giving donors and recipients a choice between anonymous donation and identifiable donation. The main difference between anonymous and identifiable donations concerns a child's right to find out the identity of a donor. In anonymous and in identifiable donation a donor's identity is unknown for recipients and *vice versa*. However, in identifiable donation, a child who reaches the specified age has access to identifying information about the donor. The third option accessible for donors and recipients is known donation (e.g. donor is a family member of recipients) which is also possible in the Russian Federation. The following analysis examines how original the Russian law is in comparison to other European jurisdictions, how the provisions on donor's anonymity and identification are designed, and how the law is applied in practice, including some statistical data from the largest reproductive cells bank in Russia.

In some countries, only one type of gamete donation is permitted, but in others, the choice is between anonymous and known donation or between identifiable and known donation. "The triple-track system" (Pennings 2016, 116) gives a chance to choose between all three types of gamete donation (anonymous, identifiable, and known) and the Russian Federation is one of the few countries that use this model. This system is not well-researched, in particular taking statistical data and practical issues into account. The focus of this paper is to present which type of donors (anonymous or identifiable) are more popular if they have the right to decide. As such the Russian case is unique, as the comparison of the number of donors who choose anonymous and identifiable donation is difficult to conduct in most countries because laws usually permit only one of them.

THE RUSSIAN 'TRIPLE-TRACK SYSTEM' ON THE BACKGROUND OF THE EUROPEAN LAWS

Medically assisted reproduction (MAR) using a third party is strictly connected with the problem of disclosure of information about donors. A consideration of legal regulations concerning donor-conceived child's right to identify their donor leads to a conclusion that ethical and legal approaches towards this matter are different all over the world (Allan 2017, Blyth and Frith 2009, 175-191; Pennings *et al.* 2014, 1076-1098, Calhaz-Jorge *et al.* 2020, 9). As mentioned above, three types of gamete donation can be distinguished – anonymous donation, identifiable donation, and known donation. This wide range of choices is called a 'triple-track system', but it is not commonly practiced in a large number of jurisdictions. In some laws donors and recipients do not have a choice at all (e.g. in Poland – only anonymous donation or in Portugal – only identifiable donation). In others, they can choose between only two options (e.g. in Belgium – between anonymous and known donation or in the United Kingdom –

between identifiable and known donation). Nevertheless, the 'triple-track system' is accessible for donors and recipients in some jurisdictions, for instance in Iceland and – as the further analysis demonstrates – in the Russian Federation. The trend towards the disclosure of a donor's identity has been noticeable in Western European legislation (Sweden, Austria, Switzerland, the Netherlands, Norway, the United Kingdom, Finland, and Portugal). The abolishment of anonymous donation is supported by Recommendation 2156 (2019) 'Anonymous donation of sperm and oocytes: balancing the rights of parents, donors and children' (the Parliamentary Assembly of Council of Europe), which recommends identifiable and in exceptional circumstances known donation. According to section 7.1. of the Recommendation 2156 (2019):

Anonymity should be waived for all future gamete donations in Council of Europe member States, and the use of anonymously donated sperm and oocytes should be prohibited. This would mean that (except in exceptional cases, when the donation is from a close relative or friend) the donor's identity would not be revealed to the family at the time of the donation, but to the donor-conceived child upon their 16th or 18th birthday. The donor-conceived child would be informed at that time (ideally by the State) of the existence of supplementary information on the circumstances of their birth. The donor-conceived person could then decide whether and when to access this information containing the identity of the donor, and whether to initiate contact (ideally after having had access to appropriate guidance, counselling, and support services before making a decision.

This tendency does not occur in Central and Eastern Europe. Most of these countries permit only anonymous donations (e.g. Poland, the Czech Republic) but some of them accept known donations too (e.g. Ukraine, Bulgaria). The most important legal acts regulating infertility treatment in the Russian Federation are:

- Federal Law No. 323-FZ of 21 November 2011 on the Fundamentals of Protection of the Public health (hereinafter 'the Federal Law'),
- Order No. 107n of 30 August 2012 on the use of Assisted reproductive technologies, Contradictions, and restrictions on their use (hereinafter 'the Order').
- Clinical recommendations No. 15-4/II/2-1908 of 5 March 2019 on Assisted Reproductive Technologies Treatment (hereinafter 'the Recommendations').

The basic legal framework on medically assisted reproduction is established in article 55 of the Federal Law. It does not regulate which types of donation (anonymous, identifiable, or known) are permitted or prohibited in the Russian Federation (Svitnev 2012, 2; Maleshina 2020, 36-43; Savvina 2019, 19-26). However, article 55.8 of the Federal Law regulates the right to receive information about the results of the medical

and genetic examination of the donor, their race and nationality, and their appearance. Legal regulations about the content of this right are different across the world, in particular concerning the donor-conceived person's right to disclose information about their donor. In some jurisdictions, this access is limited only to non-identifying information e.g. in Poland and Greece. In others, a donor-conceived child has an access to identifying information about their donor, e.g. in the United Kingdom and Sweden. However, it is important to note, that the scope of information (non-identifying and/or identifying) differs among jurisdictions.

Medically assisted reproduction is regulated in a more detailed way in the Order. Regarding the considered matter, the most important problem is the distinction between types of gamete donation that are accessible for donors and recipients. According to articles 54 and 62 of the Order, sperm donors and oocyte donors could be anonymous or non-anonymous. As mentioned above, there is no exact definition of those two types of donations. In particular, non-anonymous donations could be understood as identifiable donations or as known donations, but also as both of them.

According to articles 56 and 65 of the Order, individual cards are prepared for sperm and oocyte donors (Appendix No. 4 and 5). Regarding a sperm donor, Appendix No. 4 includes the following information: full name, date of birth, nationality, race, place of permanent registration, contact number, education, profession, harmful and/or hazardous production factors, marital status, presence of children, inherited diseases in the family, bad habits (smoking, alcohol, drugs and/or psychotropic substances without a doctor's prescription). There is also information concerning some diseases, such as syphilis, gonorrhea, hepatitis, HIV, and information about being under skin-venereologic or neuropsychiatric medical observation.

Moreover, phenotypic features are noted (height, weight, hair type and hair color, eye shape and eye color, nose shape, face shape, presence of stigma, shape of forehead), and additional information about a donor (optional). Furthermore, Appendix No. 4 contains a sperm donor's medical examination card, sperm donor medical examination calendar, and sperm donor survey sheet which is filled in before each delivery of sperm. Regarding oocyte donors, Appendix No. 5 contains a similar scope of data. There are some additional data such as the build of body and bra size, but there is no information about the medical examination calendar and survey sheet which is filled before each delivery of oocyte. There is also information about examinations, but the types of them are not the same in comparison to a sperm donor.

With regards to sperm donation, article 66 of the Order regulates that to facilitate the selection of a donor, a list of sperm donors is formed with information about the appearance of the donor such as height, weight, eye color, hair color, the shape of the nose, ears, and others, as well as the results of a medical and genetic examination of the donor, his race and nationality. At the same time, it is worth emphasizing that the Order does not establish a similar regulation regarding oocyte donation.

The Recommendation distinguishes anonymous (in which the donor's data are unknown to the recipient) and non-anonymous gamete donation. There is no additional description of requirements and details concerning these two types of gamete donation, such as a scope of information accessible to a donor-conceived child.

THE 'TRIPLE-TRACK SYSTEM' IN THE RUSSIAN PRACTICE

In the light of the above considerations, the Russian legal system regulates anonymous and non-anonymous donation only in general terms. This legal framework is complemented by standards that are commonly used in Russian practice. In this part of the paper, such practices are analyzed taking into account the activity of the Russian largest reproductive cell bank and IVF clinics.

According to the figures provided by Reprobank® (Personal communication with Avtandil Chogovadze, M.D., CEO at Reprobank®, March 2020), various types of donations are used in practice. Among the current 63 active egg donors, there are 23 (≈36.5%) donors who are anonymous, 38 (≈60.3%) donors who are identifiable, and 2 (≈3.2%) donors who want to be known also for recipients. However, Reprobank® does not act as an intermediary in this kind of contact (Personal communication with Avtandil Chogovadze, M.D., CEO at Reprobank®, March 2020). Among the current 56 active sperm donors, there are 17 (≈30.4%) donors who are anonymous and 39 (≈69.6%) donors who are identifiable.

As for anonymous donations, a donor-conceived child who reaches the age of 18 can request information about their donor. Reprobank® supplies this information from their records or by attempting to ask a donor. A donor-conceived child can also request to initiate an anonymous contact with a donor. If there is mutual consent on both sides, it is possible to establish contact through e-mails, written letters, or a voice conversation. Nevertheless, even in cases of an anonymous donation, it is possible to moderate a direct contact between the donor and donor conceived-child if they mutually agree on it. Regarding identifiable donors, a donor agrees to at least one contact with a child who reaches the age of 18. It could take the form of in-person meetings if there is mutual consent. Further contacts are not obligatory for the donor. The Russian law does not protect the donor-conceived child's right to contact with the donor. Even if a donor has decided to be identifiable, their consent to communication is not binding at all.

Notwithstanding article 55.8 of the Federal Law, in practice, a donor conceived-child has access to a large amount of information about their donor. However, the level of anonymity (openness) depends on the donor's decision. Regarding sperm donors, the Reprobank® website contains a list of donors with detailed information about them. The data is open for every visitor of this website (Reprobank® website, April 2020). In practice, donors provide more information in comparison to the content of article 55 of

the Federal Law. The description of their appearance is more detailed (e.g. drawings of facial parts to choose the most similar to the donor's face). There is also information about the type of donation (anonymous or non-anonymous), their faith, or zodiac sign. Additionally, there are separate pieces of paper with a story of the donor's family and a story of the donor about himself or herself. Every profile contains a photo of a donor as a baby. However, 11 of the current active donors in Reprobank® (also anonymous) agreed to present recipients with their adult photos (Personal communication with Avtandil Chogovadze, M.D., CEO at Reprobank®, March 2020). There is also information about additional data about donors which could be presented during a consultation, such as an extended profile, photos of children, creative tasks, facial features, recording of their voice, Keirsey Temperament Sorter, and question test.

The term 'known donation' means that the recipients and the donor know each other from the beginning. This term is used about gamete donation between family members, friends, or another known person. In some jurisdictions, there are specific requirements regarding known donations, which limit it only to family members and/or egg donors (e.g. in Ukraine). However, much more often legal systems do not regulate known donations in a detailed way (e.g. in Belgium, Iceland). In many IVF clinics in the Russian Federation recipients can find a donor on their own. Known donation is commonly offered by IVF clinics in the Russian Federation (e.g. information on O.L.G.A. Fertility Clinic's website, LifeLine Center of Reproduction's website, April 2020). The law does not regulate those cases in a specific way, but in practice, it is often limited only to relatives or acquaintances.

CONCLUSION

Nowadays, a trend towards the openness of a donor's identity can be observed all over the world. Nevertheless, the anonymity of donation is accepted by societies and laws in the majority of countries. The Russian law distinguishes two types of gamete donation – anonymous donation and non-anonymous donation. However, the content of those two terms is not precisely defined by the law. The above research about gamete donation in the Russian Federation was not limited to legal acts and it showed that in fact, three types of donation occur in the Russian practice (anonymous, identifiable, and known). Furthermore, even if the donation is anonymous, the donor-conceived offspring have the right to receive a wide scope of non-identifying information about the donor. The identification of a donor may be the result of their consent given in the past, but it may be also based on subsequent mutual consent, which allows even in-person meetings between a donor and a donor-conceived person.

The anonymity of donation is still an important value of gamete donation in Russia (Khayat, Kurilo, Chernykh 2017, 59; Sukhareva 2014, 22-28), but according to present statistical data of current active donors in Reprobank®, an identifiable donation

is also a popular option for donors and recipients (Personal communication with Avtandil Chogovadze, M.D., CEO at Reprobank®, March 2020). In practice, the donor's and the donor-conceived child's mutual consent is a basic requirement of contacts between them in the Russian Federation. However, only a donor-conceived child has a right to initiate those contacts. Moreover, known donations are also practiced by IVF clinics.

This analysis does not attempt to answer the question of which type of gamete donation (anonymous or identifiable) is more appropriate. In the last few decades the problem of donor's anonymity has been lively debated (Allan 2017; Cahn 2012, 367-430; Cohen 2012, 431-447; Daniels and Taylor 1993, 155-170; Ravelingien *et al.* 2015, 503-509; Frith 2001, 473-484; Frith 2015, 29-44; Frith *et al.* 2018, 188-203).

This paper rather pays attention to the possibility of simultaneous existence of both of them in the framework of one jurisdiction. The legal and ethical assessment of the Russian model of gamete donation should consider two aspects. The first one is the examination of possible benefits and risks of access to both anonymous and identifiable donations in one legal system. The second is whether the admissibility of known donations, especially between family members, could be accepted from the child's welfare point of view.

The first issue was analyzed by Guido Pennings, who proposed the so-called 'double-track' policy. According to this policy 'a donor has a choice to enter the program as an anonymous or as an identifiable donor and recipients can choose between an identifiable or an anonymous donor'. Pennings defined also the term 'triple-track system' as a "variety of options, including known, anonymous, and identifiable donors" (Pennings 2016, 116). What is most important, however, is the fact that the possibility of choice between anonymous and identifiable donations is not commonly regulated all over the world. In the majority of jurisdictions, the choice is rather between anonymous and known or between identifiable and known donations. Pennings concluded that:

The 'double track' policy for anonymity represents the best attempt to balance the rights of donors, recipients, and donor offspring. It offers the social parents the freedom to choose the degree to which they want the donor involved in their new family. It also enables donors to define their commitment. Moreover, it also expresses the idea that there is no unique and universal optimal solution (Pennings 1997, 2839-2843).

The Russian Federation is a country in which donors and recipients decide which type of gamete donation meets their expectations. In comparison with other European countries, this approach is rather uncommon. Although the 'triple-track system' may seem like a solution that takes all involved parties' interests into account the position between donor-conceived offspring differs in one legal system which makes the legal

accessibility of both, anonymous and identifiable donations debatable. Donors and recipients can choose a certain level of anonymity of donation and donor-conceived persons have the right to obtain a wide scope of non-identifying information about their donor. Nevertheless, it still does not give all donor-conceived persons the right to receive identifying information about their donors. Some donors remain anonymous for donor-conceived persons, whereas some other donors can be identified by them. Consequently, important questions arise: why the legal position of donor-conceived persons is not the same and which type of donation (anonymous or identifiable) is consistent with the principle of the best interest of a child?

On the other hand, the legal regulations concerning secrecy or disclosure of donors' identity are not unified even in the European jurisdictions. Notwithstanding the increasing criticism of the anonymity of donation and the amendment of laws towards openness, in many countries, donors are still anonymous. Giving the fact that cross-border MAR is available for recipients and donors without any limitations, the variety of choice is even wider than in the 'triple-track system'.

The choice is not only between an anonymous, identifiable, and known donation but also between different models of those types of gamete donation. For example, the anonymous donation does not mean the same in all jurisdictions, but it varies in some countries concerning the scope of donor's non-identifying data that is accessible for donor-conceived persons. Looking at the problem of donors' anonymity from the international perspective, it is worth pointing out that nowadays 'the world has become a global village' and the 'triple-track system', though on a bigger scale, is the real choice that recipients and donors have. Remembering that donor-matching in Russia is based on the consumer-direct model giving recipients a great impact on donor selection, the Russian Federation might be a very popular direction for people searching a donor with specific features, including searching a donor with the desired level of disclosure of their data. Indeed, it is worth noting that the development of cross-border reproductive MAR influences also Russia regarding surrogate motherhood (Nygren *et al.* 2010, 4; Salama *et al.* 2018, 1279-84; Svitnev 2012, 2-3; Borisova 2021; Novikov 2019, 301-325). The consumer-direct model and the 'triple-track system' might also lead to the rise of cross-border MAR to the Russian Federation.

Regarding known donors, it is worth emphasizing that most of them are family members of recipients (intra-family gamete donation). The studies concerning this issue have been focused on risks associated with an extraordinary situation in which a donor and recipients are members of the same family. In particular, a problem of different social roles and genetic truth has to be considered, for instance, when a genetic mother is the social aunt of a donor-conceived child (Vayena and Golombok 2012, 174-175; Yee *et al.* 2007, 2047; Marshall 1998, 1172-1173; de Wert *et al.* 2011, 506). The results of the above-mentioned studies reveal that intra-family gamete donation does not harm a child's welfare (Lessor 1993, 409-410; Winter and Daniluk 2004, 486-490).

However, it must be stressed that the Russian Law does not limit known donations only to a donation between family members. Russian IVF clinics do not have sufficient instruments to verify if a person called by recipients as an 'acquaintance' is actually a close person to them or maybe he or she may have received informal payment for donating their gametes. The 'freedom of choice' approach may be viewed as based on 'free-market principles' because it gives recipients full flexibility in choosing between an anonymous donation, identifiable donation, and known donation. However, it does not answer the question of whether the donor-conceived persons' right to know their genetic origins and identification of donors is more important than the rule of donors' anonymity and protection of their privacy. It is therefore difficult to comprehend what is the rational justification for unequal donor-conceived persons' rights regarding the right to find out donors' identity. Donor-conceived offspring are not involved in the decision-making process and they do not influence the choice of an anonymous donor and their subsequent refusal to contact them. 🌐

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CHINA-INDIA NEW INTRICACIES: RIVALRY AND COOPERATION IN A NEW CHANGING GLOBAL CONTEXT

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Abstract: *At the changing geopolitical landscape with the Covid-19 pandemic scenario, the China-India tussle and scale of regional and global exposition has begun to display with certain consequences, which seems to shake the existing regional balance of power. A mounting political and military confrontation between these two powers as experts suggested could create a hurdle on regional-global stability and can strike on the path of globalization. With historical and existing context analysis, this paper explores that putting genuine differences aside, China and India being responsible stakeholders of the global community, can cooperate and contribute to regional and global peace and prosperity. This paper is based on qualitative research and explorative form in a pattern. This paper concludes that to reduce protracted political and border-related tensions, continuous institutional dialogue, regular communication, and formal-informal exchanges could be effective tools for a peaceful resolution. At this juncture, the competition and cooperation approach could be useful for fostering China-India bilateral relations, and this situation will help to address common challenges of the global community, restructure the global order, and re-adjust regional and global scenarios crippled by the Covid-19 pandemic.*

Keywords: *China; India; Rivalry; Cooperation; International Context; Geopolitics*

INTRODUCTION

With the context of the Covid-19 pandemic effect, the regional and global geopolitical landscape is changing in a new direction. This scenario has created hurdles in the bilateral relations of some countries. The sensitive border issue between China and India particularly since the massive war of 1962 has been a tough issue to resolve and it engrossed international response on many occasions. The two oldest civilization countries China and India have a long history of exchange and cooperation. India was the first non-socialist country to establish diplomatic relations with the People's Republic of China (PRC). At a time when both countries had very few friends in the international forum, the affinity between them sent a positive message to the

developing world. Since the large-scale war of 1962 to the mid of 1980 relation was worst even though formal and informal communication began from 1970.

Indian Prime Minister Rajiv Gandhi's state visit to China in 1988 helped to create friendly relations, and both sides vowed to promote necessary cooperation by putting differences aside. Certainly, 1962-1988 was a period of mistrust, confrontation, and misunderstanding. Hurdles on political relations hampered economic, trade, cultural, people-to-people contact, and other forms of exchanges. Since the mid of 1970, various forms of formal and informal meetings have happened between officials of both countries, even with foreign minister-level visits. The conducive environment created by the various levels of informal meetings finally culminated with a high-level political visit from both sides. The new rapprochement which began from the end of the 1980s lasted until the 15 June border faceoff of 2020. Between those 20 years, both countries have succeeded to expand multiple levels of cooperation in various areas: trade, investment, exchanges, technology sharing, people-to-people contacts, and many other areas.

The huge scale of bilateral trade, huge investment by Chinese companies in India, large scale of exchanges, and people to people contact exposed that how deep bilateral relation was expanded. But 15 June incident distorted the mode of relations, and again like in the 1960s to the end of 1980, a new type of confrontation has begun, which has amplified tension in the region and also begin to affect global geopolitical equations. Again, it seems that India and China both are feeling a deep threat from one another. According to the study of this paper, the competition and cooperation approach could be a better idea for their bilateral relations. This approach is less destructive and more beneficial. In terms of economy and military, both countries can't ignore each other. At the very distinct global scenario, to reduce the tension and re-harness the cooperation, a new type of understanding and approach is necessary as per the changing regional and global power equation.

At the new regional and global scenario of the post-Covid-19 landscape, China and India with putting their differences aside need to make a common consensus for the sake of the world. The global community is expecting a responsible role of China and India to fight for common pertinent challenges of the world. This paper tries to analyze China and India relations since the 1950s to date and explores real challenges and opportunities on their relations for re-enhancing cooperation and collaboration on the sake of regional and global context. This paper also suggests both countries realize their regional and global responsibility and play a constructive role in the inclusive development of the world. This situation could increase their global stand, recognition, and trust among the global community.

THE RELATIONS IN A COLD WAR PERIOD

After WWII, China and India experience new political changes. In 1949, under the leadership of the Communist Party of China (CPC), China became a communist-socialist country, and on the other side, India gained independence in 1947 from British Empire and followed a British-style parliamentary democratic political system. At that time, leaders of China and India were much matured politically due to their long political struggles and experiences. India was the first non-socialist country to establish diplomatic relations with China on 1 April 1950. While many Western countries including the US were not positive about China's new political change, China and India relations from the government to government and political leaders to leaders were strong and cordial. Before the war of 1962, the historical archives showed that there had been a higher level of exchanges, cooperation, and trust-building efforts. Because of the long political experiences of the leaders, it seemed that both wanted to create trust, understanding, and cooperation seriously between political levels and move forward on common issues.

China and India both are ancient civilizations with rich cultural heritage. Before a new political change until the end of WWII, both countries had experienced the bitter humiliation of colonial powers. History shows that in all circumstances bitter or sweet, these two countries never stopped exchanges and cooperation. After 1960 particularly, due to the changing geopolitical scenario of the region, confrontation and competition became the common phenomena in their bilateral relations which obstruct the trust-building process.

The Cold War situation had affected their bilateral relations. But most of the experts say that the bilateral political and border issue was a prime reason for deteriorating the relations. From the end of 1950 to 1990, India's foreign policy was not conducted in a proper diplomatic manner. Independent India's first Prime Minister Jawaharlal Nehru was misguided on how to deal with changing regional and international affairs. As a democratic leader, he failed to win the trust of Western democracies, but on another side, he maintained close relations with the USSR and had bitter relations with China. At that time, due to his strong influence on national politics, his party members and opposition leaders did not raise finger against him, but after 1990 many scholars and politicians have been raising issues about many defaults and ill-designed foreign policy of the Nehru era. Even if we read the opinion of Bharatiya Janata Party-related experts, the present deep-rooted domestic structural problems, fragile neighbor policy, and still weak role at international forums are all legacy of Nehru-led India. It seems that in India there is more fear about China, particularly with the rapid rise of China's national socio-economic and military strength. China is a more fraught subject in Indian national debates than India is for China (Malone and Mukherjee 2010).

The war of 1962 which is said that the Indian PM never imagined India would have suffered a lot was a turning point in India's China policy. After that, as some experts say, India has become more cautious of China even when there were no serious issues to indulge. Due to the growing tension, the historical '*Panchasheela* agreement' of 1954 which tells both countries '*Hindi-Chini Bhai Bhai*' ('Indian and Chinese are brothers') is no longer working. Distrust and misunderstanding have become two common features of China and India relations after 1962. For normalization of the relations at a time of Cold War, India's Foreign Minister Atal Bihari Vajpayee's China visit of 1979, Chinese Foreign Minister Huang Hua's India visit of 1981, and most importantly Indian Prime Minister Rajiv Gandhi's historical China visit of 1988 paved the way for building understanding and created a new ground for cooperation. The exponential increase in China and India's international economic and diplomatic influence has also augmented the importance of their relations (Ratha 2014).

With large populations, China and India have more things to deal with the internal structural issue. China has eradicated absolute poverty from the end of 2020, which is also recognized by the United Nations (UN), International Monetary Fund (IMF), and World Bank (WB). But for India, the critical poverty issue is a great problem on the social-economic spectrum. Tentatively, the Western world was not much negative with China since the normalization of relations with the US which began in 1971. But on another side, due to India's close relations with the USSR during the Cold war, the Western alliance led by the US had not become relatively supportive of India. Only after the Cold War, the situation became different. With the end of the Cold War, India-China's new phase of rapprochement began, and putting political differences aside, both countries engaged on a multifaceted level of cooperation. The large scale of bilateral trade proves their deeper cooperation and importance to each other even though both countries have many issues to sort out.

THE EFFORTS OF TRUST-BUILDING SINCE 1990

With the end of the Cold War, the global geopolitical paradigm was shifted into a new direction. In Asia, with economic and military strength, China and India have jumped into the club of great rising powers. Some Indian scholars write that China-India's new rapprochement which began from the end of the Cold War was just technical, for them cooperation began without trust. For a long time, Indian media has used the term 'China threat' frequently in their coverage (Banyan 2012). Security perspective is a dominant discourse on China-India relations. Even officially they are not using the term 'threat' to each other, it is not hard to tell that their overall relations or cooperation is dominated by the security factor and both don't want to compromise on it in the name of cooperation or partnership. Some experts on the India-China issue

write that it is futile to use the term 'trust-building' or 'understanding build-up' on bilateral relations of these two countries.

While the communication and cooperation process took the prime role in bilateral relations since 1990, both countries became significant to each other due to their economic and investment-related engagement. Exchange on education and academic sector is also increased. India's trade deficit to China has reached a massive level. Indian companies are saying that due to the high production cost in India in comparison to China, their products can't compete with cheap Chinese products. Sometimes at the requests of Indian companies, the Indian government tries to impose additional tariffs on the products imported from China but due to the vast economic cooperation with China and also international trade rules, Indian actions have been ineffective. In the last two decades, the Indian business community in major cities of China has been increased in a large number. They are engaged in import-export, investment, and other financial activities.

Except for political differences, China and India have many common issues to cooperate with at the global level. Rules of the World Trade Organization (WTO), climate change, many issues raised by the developing world are among the agendas China and India are cooperating for a long time. The group of BRICS (Brazil, Russia, India, China, and South Africa) has become a significant platform to enhance cooperation and the spirit of multilateralism. This platform is taken as an imperative tool to resolve the differences and encourage common agendas based on understanding and trust. China is asking India to sign on bilateral Free Trade Agreement (FTA) to promote trade and financial activities, but India has not decided yet because it is in fear that it could destroy Indian companies and its market for domestic products. Another important regional organization is Shanghai Cooperation Organization (SCO), due to the presence of Russia and Central Asian countries, it supports enhancing regional cooperation and mitigate tensions between countries like China and India.

One understanding within one section of the Indian establishment is that at the economic front, India can take benefits from China's big market opportunity, but in the political sense, coalition building with other major powers like the US, UK, Japan, Australia, and other like-minded countries will be helpful. China seems aware of Indian real interest. After the last June's confrontation, India has been increasing the efforts to engage with other powers to contain China though it is not saying officially. Since 15 June last year, the trust-building process, which began with the end of the cold war, has been declining bitterly. India has reduced imports from China and banned hundreds of Chinese apps. At the present nature of global interconnectedness, both countries can't ignore each other and their comparative advantages only generate from bold engagement rather than fracture relations.

DIVERSE GEOPOLITICAL INTEREST

China and India have deeply lack mutual trust even though they are connected heavily in economic and financial spheres. Interest to become a more influential party on a regional and global level is the major aspect of their inherent competition and even sometimes confrontation in relations. Professor David Scott (2008) wrote that these two countries want to rise and constrain others if time favors them using multiple tools like encirclement or building alliances and this kind of 'great game' is displayed on multiple forms like diplomacy, security-military and economic fronts. With the beginning of the XXI century, a new geopolitical context is evolved in the region. In this very context, two rising powers showed their expanded interest to achieve strategic advantages. Former Foreign Minister of India Yashwant Sinha (2003) once opined that China and India need to understand that both have sufficient strategic space.

Whether in South Asia or the Asia Pacific or even in the Africa region, China and India's geopolitical and geo-economic interest has been enlarged and sometimes even confronting. An "emerging India mean a strong competitor for China from South, West, Southeast and Central Asia to Indian and Pacific Oceans where their interests and influences will clash" says Zhang Guihong (2005). It is said that the 'China Threat' perception on the Indian side is not only of domestic construct, also came from West and Japan both. On 4 May 1998, South China Morning Post reported that India's former defense minister George Fernandes said China is a number one security threat for India and it is an even stronger security threat than Pakistan.

China-Pakistan relations have been very cordial for a long time. On another side, India and Pakistan's complexities raised even more than before. Indian leadership feels hard on China's deep friendship with Pakistan. China-Pakistan collaboration based on Belt and Road Initiative spirit seems another complex issue for India. India is blaming that CPEC has violated India's sovereignty and territorial integrity because it crossed through Kashmir territory. China said that there is no intention of violating Indian territorial integrity.

Since the last decade, China and India's geopolitical interest in the maritime sector have been increased at a large pace. This is also another foremost reason why India is showing reluctant to join the Belt and Road Initiative even though China is saying frequently that maritime concern of China is not directed to any neighbor friends. When the Trump administration named Asia-Pacific with another name Indo-Pacific with formulating new Indo-Pacific Strategy (IPS), no doubt what is the real motive of US administration in the region. Trump administration unlike previous administrations had given more space and parameters to India's role in the Indo-Pacific region. Predicting the future intercourse, then senior Chinese official Zhao Nanqi said that China no longer accepts that the Indian Ocean is only of India's ocean (Nanda 2002). India has taken China's 'string of pearls' strategy as a serious threat to its national security, and

encirclement to it from major points of the Bay of Bengal and the Arabian Sea by China (Mohan 2005). India seems wary about China's growing constructive presence in the rest of South Asian countries. In the last two-decade, China's investment, trade, exchanges, visits, and cooperation on multiple common issues with South Asian countries had been increased at a higher pace.

Even with India, before the June 2020 face-off at the border area, volume and parameter of cooperation with the Chinese were higher. India feels that its border troops are stronger and can defeat Chinese troops in a battle (Yu 2020).

Analysts say that due to India's big brother attitude and interfering approach, it has lost credibility among South Asian friends. Indian policymakers also realized that anti-India sentiment in the rest of South Asian countries has been increased than before, but unfortunately, the Indian side seems not ready to change hegemonic behavior. This outdated and failed neighbor policy of India is also one of the reasons why the rest of South Asian countries except Bhutan are very eager and positive to cooperate with China on both hard and soft power arenas. Understanding India's failure diplomacy in the region, China has increased its efforts to show more generosity, supportive approach, and cooperative form to the rest of its South Asian friends. Even when effected by the pandemic, China has shown the world that it has the power and conviction to move boldly (Agrawal 2020).

Direct large-scale war seems difficult due to the geographical hurdles. Though both sides have increased numbers of troops, a big war would be exceptionally difficult (Griffiths 2020). After the June 2020 face-off, India not only increased military personal, infrastructure building at the border area, and partnership building with many other countries of West and Asia but also taken many steps to resist Chinese influence in India in the areas of technology, finance, trade and many other. If we look at India's Look East Strategy it is not difficult to find real interest behind this strategy. Through this Strategy, India wants to play a new balancing game against China in Southeast Asia and Asia-Pacific Region. India's land and maritime security interest are increased on a large scale. Since the last decade, India's increasing strategic relations and cooperation with Vietnam as analysts say is another game of India to counter China from the Asia Pacific region. For both China and India, strategic consolidation in the maritime arena has become an issue of common concern and trend (Mukherjee 2020).

THE NEW BORDER FACE-OFF

China-India skirmishes of June 2020 have deteriorated the relations into the worst condition. According to the media reports, the small scale of quarrels and tussles since May had culminated into the dreadful accident of 15 and 16 June, where 20 Indian soldiers died, and according to the Chinese side, there were big casualties on their side too (The Hindu 2020). This incident was the largest scale of confrontation between

troops of the two countries since the clash of 1967 in the Nathu La area where both sides had lost many troops. This incident has not only changed the nature of the China-India border issue but also the character of military competition between these two countries (Joshi 2020). Due to the long Himalayan border, on many occasions, both sides come together on patrolling and even many times they confront without arms.

For a long time, the Galwan River area had been peaceful even though both sides have their interpretation, but since several years ago it has become a hot spot of military confrontation. India blamed China for the 15 June incident saying that the Chinese side encroached on its territory. China rejected India's blaming and said that their troops were aware of their territory and the Indian side instigated the situation. Since several years ago both countries have built massive infrastructure at the border area. Though as per the scale of the incident, the 15 June face-off was a large scale, small-scale confrontations without using arms have been common at the LAC areas. In that context, ground commanders of both troops talked and settled the dispute peacefully. Until today various levels of talks including foreign and defense ministers level happened between both countries aiming to deescalate the situation and back to the normal condition. But risks of further escalation can't be ignored (Panda 2020). Ladakh area is strategically very important for both countries due to the military purpose. China and Pakistan have already made understanding on their side of the border areas because of their deep friendly relations. In the realist sense, China and India can't trust each other in the security and political sphere.

Indian media were reported that after the clash with the Chinese side, the Indian security establishment has given importance to two strategies: 1) first is to buy and develop sophisticated weapons, and 2) entering into new groups of powerful like-minded countries like the US, UK, Japan, Australia, Canada and so on. Some Indian media say that India-China relations will not be back on the old normal situation. The Indian security agency has taken North Sikkim and East Ladakh areas more sensitive zone and if foreign forces enter into those areas, according to them it would be a direct risk on broad border security management. This is one of the reasons, why the Indian establishment became active in leaving its long Non-Alignment foreign policy and search international supports for security aspects. Indian side telling that Chinese side has hesitated to back from their area which would further escalate the tension in the future (ET Online 2020). India has built a feeder road in the Galwan Valley area which China has strongly objected saying that area belongs to it and India has encroached with rejecting basic agreed norms. Taking the situation strategically difficult, China has increased numbers of border troops in the Galwan Valley border area.

China has taken strategically significance of the Galwan Valley seriously because it is linked with the overall security of the Ladakh region (Reyar 2020). Before that, an informal meeting between Chinese President Xi Jinping and Indian Prime Minister Narendra Modi in Wuhan city of China in 2017 was fruitful to make consensus on

resolving all issues through dialogue and communication. For the border issue, both leaders agreed to expand the level of communication on reducing tension and maintaining peace and order. China demands India to adhere to the Wuhan spirit and stop unnecessary infrastructure in the Galwan Valley area (Pillay 2020).

Before the war of 1962, China had proposed to India a proposal to resolve the border problem. But then Indian Prime Minister Nehru had not agreed on it. After the war, China ordered its troops to back 20 km behind the claimed line in Ladakh (Sawhney 2020). When normalization of the relations began in the 1980s, both nations had taken some institutional mechanisms in which these institutions took immediate steps to address the clash promptly. Even after the 15 June incident, various levels of negotiation were held to talk and make calm the border area. Both governments have given rights to these institutions to discuss and find tangible ways to reduce tensions.

MAJOR CHALLENGES ON RELATIONS

Experts on Sino-Indo relations say that the first and foremost challenge on fostering relations between these two rising neighbors is the lack of trust. Real trust in opinion and behavior is the big issue in their bilateral relations. Even since the normalization of relations after the bitter relations during the Cold War period, the trust-building process was very slow even though they started multiple levels of cooperation. Due to this scenario, still, people of both nations have very limited knowledge about new changes. Chinese scholar Cheng Ruisheng (2002) writes, "on the one hand both are making great efforts to resolve these differences through various dialogues and mechanisms; on the other hand, both agree that problems and difference should not become impediments to the development of their friendly relations". Political history since the end of WWII shows that if there are continuous exchanges besides hard power cooperation, the possibility of increasing understanding, positivity, and constructive environment on relations would be very high. Without soft power intercourse and sharing, it will be very hard to win the heart and mind of the other side. One of the reasons why the US administration put the soft power aspect importantly on its global power projection is that soft power can have a long impact on foreign people and support to create a conducive environment even in a tough political situation.

The political relation between India and China to this date says that security concern is the biggest obstacle in their friendly relations. Long boundary dispute has put their relations always on the sensitive sphere which could enter into confrontation scale anytime. Tibetan issue is sensitive for China, and India has been blamed to play the Tibetan card against China. Formally, India has recognized Tibet as an inherent part of the People's Republic of China (PRC). And similarly, China has recognized Sikkim as a part of India. But they have different approaches on the border issue. After the 15 June incident, Modi's government has been taking very tough approaches against China and

increase domestic and international capabilities to restrain China. It looks that India will join all international alliances which aim to detect the rise of China. This attitude will increase the new level of confrontation in the Asia-Pacific region. Until today, both countries have dispatched large scale of troops in a border area even though diplomatic channels continue searching for resolution (Huang 2020). The economic aspect is another issue both are competing and cooperating. Globally, China and India both have many common agendas to fight against trade protectionism and rules favorable for advanced countries like the US, UK, Japan, and so on. But as per their bilateral concern, on one side, their trade volume has been increasing to a new height and on another side particularly due to its large trade deficit with China, India has started many measures to reduce the trade deficit with China. According to Indian media, after the 15 June incident, Modi's government has launched a systematic effort to reduce the huge amount of imports from China. India is harassing Chinese companies and issuing hard rules to restrict Chinese investments and economic collaboration. Banning hundreds of Chinese apps, India showed her tough approach toward China.

India always wants to show that it is the largest democracy in the world. Most Indian scholars try to praise their political system as the best model. India needs to invest a lot in infrastructure which can give national strength to show a strong presence (Barlett 2020). Political and ideological differences between Chinese and Indian systems are critical factors to damage trust and understanding between them. Post-1990 India, though their leaders say that India will not incline to any power nations and maintain strategic autonomy, in reality, happening is different. India purposefully moves to build a block of some like-minded nations which are not positive with China politically and vow to contain China strategically. An increasing strategic partnership between India, the US, Japan, Australia, Canada, and many other nations, without any doubt, tell that they are very systematically moving forward to encircle China from many aspects of the regional and global spheres. Some Indian diplomats say that due to the 15 June incident, Modi's government has decided to take much faster and tough measures to detect China using national and international strength and alliances. Some experts say that this will not support peace and order in the region, but for them, it just increases confrontation and misunderstanding between India and China, and between the major powers at large. China and India have had a deep conflict for a long time which is hindering bilateral relations.

Political, ideological, security, regional influence perspective, neighbor approaches are the major issues they are competing. An Anti-China Western country particularly the US tries to encourage India to take a strict stand to contain China. For the anti-China Western bloc, India is a strategically significant country to create a base and make a collective target against China. This situation might escalate further regional tension and rivalry between China and India. The experts who take a balanced approach on China-India relations are suggesting that India and China should come on tangible

dialogue and with deep discussion need to find ways of resolution of the problems and challenges. Strong leadership of both countries would have the capacity to settle the issues if they are really serious. Inviting foreign powers in the region cannot provide a peaceful solution. Both countries are raising powers and each country can take huge benefits from each other. So, it will be better to continue the meaningful dialogue and resolve issues step by step respecting one another's sovereignty and status.

EXPECTATION OF GLOBAL COMMUNITY

The entire global community is observing the rise of India and China with interest. The rest of the world puts sympathy and a cooperative attitude toward India and China because these two countries, having a big population, still need to do a lot to eradicate structural problems. From the end of 2020, China has officially eradicated absolute poverty, which is one of the significant plans of its Two Century Goals. India can learn from China's pragmatic experience on eradication of poverty. Historically, both India and China contributed a lot for peace, stability, knowledge sharing, and harnessing cooperation in the world. '*Vasudhaiva Kutumbakam*' ('We all are brothers' or 'the world is one family') concept of India and the 'old Silk Road' concept of China both depict their cooperative and benign approach toward the world since the ancient time.

China being a second economy needs to show a supportive and cooperative approach toward the world. Without the support of the rest of the world, it would be hard for China to achieve such kinds of development within a short period. So now the rest of the world is expecting a responsible, benign, supportive, and cooperative China (Sharma 2019; Sharma and Khatri 2019). They don't want to see China be like the hegemonic nature of Western countries in history. The US, UK, Germany, and many other countries of the West had a very bad history of colonizing, interfering, and trouble creating the internal matters of many other countries of the different continents. For China, just saying that it is a still developing country would not be a satisfactory answer. It must demonstrate supporting conduct in action rather than just in words. With changing the geo-political equation, India will be reluctant to welcome China's investment in significant areas and similarly, it also discourages its homegrown companies from working in China (Min 2020). Experts say that due to China's non-interfering approaches since the establishment of PRC, it still has many things to do to assure the rest of the world that its rise will support the peace and prosperity of the entire global community and no country needs to be afraid from China's development. The rest of the world wants to see China more responsible and significant stakeholder.

Similarly, India also had a long history of peaceful rise. Since ancient times, India was a famous place for knowledge sharing. Before the colonization, India's economy and educational development was highly recognized in the entire world. At now, India's international role and responsibility also increased, and India can't say that being a

developing country, it won't offer more support to the world. There are hundreds of countries on the planet that are weaker and poorer than India. The rest of the world wants to see a responsible and supportive India. Unfortunately, India's behavior toward its small neighbors has not been positive and it is more interfering. India needs to change this kind of hegemonic behavior and pragmatically follow the cooperative, non-interference, and benign foreign policy. The door is open for India to participate in an important pact and take opportunities for its development (Dai 2020). A hegemonic India toward the neighbors can't be said to be positive to the rest of the world. Now, as per strength, India has come to the position to tell the rest of the world that it is up to the world community to cope with common challenges and find a solution of all global perversion to create a safe and better world.

China and India need not reiterate that we are still developing countries and our focus is on domestic management. Because now they are strong economies and gained strong voices in the regional and global sphere. They have something they can deal with and address about the common problems of the developing world. On many occasions, developed countries have ignored the challenges facing by developing countries. They try to impose their interest toward others and this would not resolve other's problems. But China and India, these two rising powers are now in a condition to strongly lobby, speak and push issues on the front and can fight collectively for the common interest of the developing world. This is the most important responsibility they can contribute to the diverse developing world. Expectation means there is hope for them. If India and China work and fight for the common interest of the developing world, certainly their international recognition, status, and stand will be high and respectable.

THE CONNOTATION OF COOPERATION IN A NEW GLOBAL CONTEXT

The Covid-19 pandemic has changed a trend of the global landscape. As experts say pandemic has taught human beings a lot that they should foster more cooperation and solidarity to protect the nature and restart to maintain harmony with the nature. Covid-19 has disclosed the real capabilities, management skills, structural problems, and reality of national strength to fight large-scale crises particularly of industrialized nations like the US, and second the developing world. The poor handling of the Covid-19 situation by the US administration shows that it is not a real tiger on the international fronts. The economically and militarily powerful country the US has become the most affected country by the pandemic. If we observe many international polls status, image and attitude toward the US are declined very low and the rest of the world was observing in wonder the poor institutional capabilities of the US to deal with the critical crisis. China and India both are serious on the issue of extremism and terrorism, which is also a critical issue for many countries of the world. Particularly, both the US and the EU have a double standard role to address the challenges created by terrorist groups. Since

1945, the US is one of the most destructive countries to support terrorist and extremist groups in other countries and create a massive scale of instability, violence, and chaos. This double standard policy also hampers the institutional development of countries of the Asia Pacific region.

Some Indian affairs thinkers try to see positive possibilities in the region citing the history. China “needs to recognize that the last 70 years have been an aberration in a mutually beneficial relationship that goes back nearly 2000 years, with strong economic, religious, and cultural ties based on mutual respect and admiration”, says Pillay (2020). But still, there are strong voices among Indian thinkers that India needs to take a more realistic approach to address the China factor. When the gap in national power widens in favor of Beijing, then India needs to think of a new approach because the traditional perception of Delhi on China can’t be sustainable (Mohan, 2020). Experts opine that due to China’s strength and global connectivity, India can’t ignore this reality even in the time of confrontational relationship with China (Chaudhuri 2020).

In the scenario, China and India as they agreed on their bilateral discussions many times to work together to fight against extremist and terrorist groups, could be effective and can support many countries to tackle critical challenges. The second is the trade issue. Due to the protectionism approach of many developed countries, the developing world has been facing severe problems with global trade. For this purpose, China-India cooperation is necessary. The World Affairs (2020) writes, “a smart India will stay friends with the US and, at the same time, leverage China to make peace with Pakistan. That will be the wisest and Nobel prize-deserving ingenuity. Freeze border disputes for a few years and focus on growth, trade, and peace. Don’t become a victim of the divide-and-rule playbook”. If China and India work together, they will get the support of many other developing countries to create new trade order against protectionism.

Covid-19 scenario and changing geopolitical dimension presently show that China and India have entered into a new era of confrontation and distrust. With accepting differences, experts suggest that for sake of globalization and a liberal economic approach, their interdependence and interconnectedness are beneficial for both countries. The widening gap on a developmental level between these two countries has led to a new phase of confrontation, and India wants to be the leader in the developing world (Hu 2020). China and India are among very few countries that got a large scale of benefits from the spirit of globalization. But with changing new global economic and social context, it seems new thinking and approaches on globalization are required. On one side, developed economies like the US, are promoting protectionism ignoring international trade rules regarding globalization, and on another side, poor economies are experiencing that globalization trend, and international trade rules are not supporting them, because their products and service can’t compete on international markets. In this critical scenario, the two biggest developing countries China and India

jointly can work together and play the bridging role by eradicating the hurdles of hyper-globalization, protectionism and address the genuine problems facing by poor economies.

Climate and environmental issues are other significant common issues in which China and India need to work together with taking support of the developing world. Particularly, developed economies have a double standard policy on the climate issue. The developing world wants more compromise and concrete initiative from developed economies to address climate change. China and India need to cooperate on the climate change issue without any hesitation.

Similarly, their experience of economic development and model of creating a business-friendly environment can be a useful example to the developing world. They can cooperate on investment and joint manufacturing sectors in many countries.

Changing the new global context demands more solidarity and cooperation between major powers of the world. Covid-19 teaches that for a common enemy of humanity, we need to foster combine efforts and use a collective approach to address the challenges. Both countries need to realize that in the context of the present global scenario they are highly expected to play a globally responsible role as significant stakeholders, to contribute to global peace, stability, and prosperity. Putting aside their long differences, these two rising powers can do better to make the world more interconnected, globalized, and safer for a future generation.

CONCLUSION

After 1950, China and India have experienced both good and bad taste in their bilateral relationship. In the decade of 1950, they had enjoyed '*Hindi-Chini Bhai Bhai*' ('Indian and Chinese are brothers'). But after that, both had started to feel misunderstanding, threat, and importantly border issues came in a front of their discussion. This situation culminated with the destructive war of 1962, which took hundreds of lives from both sides. Indian Prime Minister Rajiv Gandhi's historic China visit of 1988 played a vital role to begin a new rapprochement which was derailed since the war of 1962. According to the officials of both sides, to bring the situation of 1988 level there had been long series of many levels of meetings and exchanges.

The consensus of the China-India 1988 understanding was that they can continue cooperation putting the differences aside, and they will put all efforts to resolve all differences through meaningful dialogue, negotiation, and communication. India and China have basic differences on domestic and global issues, which illustrate their bilateral relations on many occasions (Paul 2018). Although China and India are neighbor countries, have broad differences in the political, economic, and social model they adopted. The political difference has led them to make their relations less trustful and more misunderstanding. India has called itself the largest democratic country, and


on the other side China, after the dissolution of the Soviet Union, has been the largest communist-socialist country on the planet. Based on their political system, the socio-economic models they adopted are structurally different.

Though these countries are saying that whatever political system they adopted will not affect their bilateral relations and cooperation, in reality, they are still failing to earn trust from one another. Indian thinks that China will never accept India as a rising power in Asia (Kulkarni 2017). The last 15 June incident had further deteriorated relations, and it seems that another level of confrontation began with this incident. Fear in the region increased in the sense that China-India open confrontation could have a long-term effect on peace and stability. Geo-politics need to be driven with deliberate communication with controlling unnecessary tensions (Parker 1998).

As discussed previously, the rise of two large populous countries China and India have raised positive hope among the developing world even though still the rest of the developing countries have not felt practical necessary support from China and India. China and India can't stay separate due to their geographic proximity. History says that geography plays a significant role in bilateral and international relations between countries (Spykman 1944).

In the changing context of the global scenario, China and India need to play a more constructive and responsible role in the regional and global context at large. These two countries at the economic front have achieved massive development and have strong political and administrative institutions to accomplish their respective policies and plan. Chinese leader Deng Xiaoping (1980) proposed a 'peaceful rise' approach while he formally launched reform and opening policy. As experts say China's rapid development and search for a new global order has not given proper sleep to the present superpower America. In this global scenario, to avoid the 'Thucydides trap' China can openly tell to US establishment that it does not have any intention to challenge the US and it wants more in-depth cooperation and partnership with the US. For a post-pandemic peaceful global order, mutual understanding, comprehensive dialogue and mutual trust between the US and China seem essential. Positive US-China rapprochement will have positive communication and cooperation between China and India too.

At the changing geopolitical landscape at the post-Covid-19 pandemic scenario, China and India bilateral relations and their level of regional and global exposition will have a positive and negative impact on the global balance of power. Having recognizing their genuine differences, if these two powers for the sake of global peace and prosperity, cooperate and jointly move forward as responsible stakeholders of the global community, can create hope, constructive environment, and finally, support to detect restrain elements for peace. From various forums, the global community shows the expectation of the tangible supportive role of China and India in the world. As per the present global challenges, China and India can't limit them only in the regional

sphere, but a significant and responsible role needs to be focused on the global level. Dialogue, communication and continue negotiation will support creating trust and confidence in their relations. Competition and cooperation approach could be useful for China-India relations, and their combined efforts to address common challenges of the global community will support to restructure the global order, and situation particularly crippled by Covid-19 pandemic. 

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ALBANIA-GREECE SEA ISSUE THROUGH THE HISTORY FACTS AND THE FUTURE OF CONFLICT RESOLUTION

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Abstract: *The issue of the sea between Albania and Greece has been and continues to be an object of study for various authors. Research shows so far that many studies have tried to go slightly from the descriptive to the explanatory and analytical framework and have generally fallen into the 'trap' of subjective approaches creating the phenomenon of nationalism. That appears in different forms, damaging the spirit of friendship and cooperation between both countries. This paper analyzes relations between Albania and Greece and their evolution based on international acts until the decision of the Albanian Constitutional Court annulling the agreement between them on the issue of the sea as incompatible with the constitution in terms of absolute objectivity. The demands of the Greek state for extension with 12 miles under the magnifying glass of the interpretation of the norms of the international law of the sea, the principle of equality and equity are part of the insistence on gaining superiority in the sea area vis-à-vis Albania. All this leading to the dialogue for another treaty cooperation and friendship occupy a vital part of the facts, which constitute an ongoing open discussion about the future of the sea issue on the Hague International Court.*

Keywords: *Sea Issue; Agreement; Constitutional Court; Decision*

INTRODUCTION

The issue of the sea began to be discussed and negotiated when Greece was declared a strategic ally by Albania that specifically in 2001, introduced in its foreign policy program the definition of Greece as a strategic ally (Murati 2013, 32). It means that the relations between the two countries were of strategic importance for Albania. This fact was 'exploited' by Greek diplomacy because the latter had never expressed any strategic preference for strategic relations with Albania, evidence that Athens neglects Tirana's importance to bilateral ties. The genesis of the maritime issue can't be related to

genuine legal motives. State borders are clearly defined in international acts and accepted by both countries even after establishing diplomatic relations in 1971. It is not related to reasons, either actual political or diplomatic. Logical reality leads to economic and energy motives and interests, as the discovery of hydrocarbon-rich basins in the maritime areas of Albania and near Albania, which give birth to and promote the Greek strategy of efforts for geographical changes of state borders, marine and the definition of marine areas. There must be a willingness to cooperate and dialogue. There are many examples, but in Southeast Europe, we can take as typical examples the talks on the maritime borders between Croatia and Slovenia, which have lasted almost three decades (Zaganjori 2021, 184). If these do not work, then international conflict resolution mechanisms seem to be the best alternative, so it was evaluated and selected by the two countries' governments. In these circumstances, pending a review by international mechanisms, specifically by the International Court of Justice in The Hague, we only have to make a chronology of historical events and legal acts that will affect the analysis of its decision.

ALBANIA-GREECE RELATIONS AND THEIR EVOLUTION BASED ON THE INTERNATIONAL ACTS AND AGREEMENTS

Acquaintance with international documentation starts from the London Conference of August 1913 with the decision of the Great Powers 'On the demarcation of the borders of Albania with Greece', to continue with the Florence Protocol on January 27, 1925 'On the borders of Albania with Greece' and 'The Final Act of Delimitation of the Borders of Albania', drafted and decided at the Conference of Ambassadors in Paris on July 30, 1926, signed at the same time by the representative of Albania, Greece, and Yugoslavia (Puto 2001, 85). Despite the dissatisfaction of both Albania and Greece with these international acts, it is important to emphasize their conclusions: first; that international acts on borders have been decisions of the Great Powers, and they are irrefutable binding and deposited in international organizations such as the League of Nations and later the United Nations (Puto 2001, 85), secondly; the Greek government has officially signed the international acts of delimitation of borders Albania and has legally recognized the borders of Greece with Albania. Based on these historical legal facts, the discussion on maritime borders is rejected by the Constitutional Court of Albania, arguing that maritime boundaries between the two countries have existed and are defined in international legal acts. So legally sanctioned is the border between Albania and Greece in land and sea. Greece had never reclaimed this border even when there were no diplomatic relations between the two countries, and both did not recognize each other as subjects of international law.

Even in the tensest periods between them, which have several times reached the brink of armed conflict in August 1949, Athens did not formally express territorial claims

and demands for the change of land and sea borders with Albania. Borders between the two countries are defined by the Florence Protocol (Puto 2001, 85). Greece had officially recognized the borders of the Albanian state since it, together with other Balkan states, signed the Peace Treaty with the Ottoman Empire on 30 May 1913 (Poincaré, 2006, 494). In Article 3 of the Treaty, the signatory parties agreed to entrust to the Great Powers the issue of border regulation and any other issue that had to do with the new state of Albania (Poincaré 2006, 494). Thus, since May 30, 1913, Greece and other Balkan states had given up their claims to be a party in the demarcation of the borders of Albania and were forced to accept and respect the Great Powers' decision. According to the norms of international law, they have voluntarily chosen to obey the findings of the Great Powers for the borders of Albania. On March 5, 1914, at the session of the Chamber of Deputies in the Greek Parliament, the Prime Minister of the country Venizelos declared Greece should submit to the Great Powers' decision regarding the borders of Albania (Dushku 2021, 252). While other Balkan states, with the Treaty signed in London a year ago, had entrusted them with the solution of this issue (Dushku 2021, 252).

Greece international legal commitment to accept the borders of the new Albanian state in 1913 it was also confirmed by the Greek scholar: "Greece agreed that the terms of peace with Turkey should include a statement that Albania's future status and organization need leave entirely to the Great Powers" (Condis 1976, 98). Statements of the diplomatic mission of Greece at that time proved acceptance of these borders (Archive of the Ministry of Foreign Affairs 1923, 136, 9/1). With the establishment of the communist regime in Albania, the two countries did not have diplomatic relations. Still, even in these times, the two sides held talks and finally agreed on the signing on February 8, 1958, of the 'Protocol concluded between the representatives of the People's Republic of Albania and the Kingdom of Greece' on the breach of the Corfu Channel (Archive of the Ministry of Foreign Affairs 1958, 6). After the restoration of Albania's diplomatic relations with Greece in May 1971, the governments of the two countries will begin negotiations for the signing of a joint treaty finalized on March 21, 1996, as the 'Treaty of Friendship, Cooperation, Good Neighborliness and Security between the Republic of Albania and the Greek Republic'. Both "states declared their respect for the principle of sovereignty, territorial integrity, equality of rights" (Treaty 1996, article 1). This Treaty can be considered the highest official and legal document of both sides that confirms the acceptance of the borders between the two countries by the respective governments. If we move on to the analysis of some of the essential national acts of the Albanian state that reconfirm the borders of the Albanian state:

- Decree of the People's Assembly No. 3321 dated 01.09.1961 'On territorial waters and inland waters of the People's Republic of Albania';
- Decree of the People's Assembly No. 4650 dated 09.03.1970 entitled 'Above the border of the People's Republic of Albania' which stipulates that: "the territorial waters of the People's Republic of Albania extend along its entire coast, in a

width of 12 nautical miles starting from the straight line and in the middle of the strait of the Corfu Canal"; and

- Decree of People's Assembly No. 5384 dated 23.02.1976, which undertook a change in the width of the territorial waters from 12 miles to 15 nautical miles which define the baseline of the cape of Rodin (Muzhli) to through the Corfu canal (Decree 5384, 1976).

We constantly confirm the primary straight line of the sea border through official decrees of different times. The Albanian legislation reflects it even after the changes of political regimes, proving that the evolution of political regimes does not affect or change the status of the maritime borders known and defined between the two states. Law No. 8771 dated 19.04.2001, article 3 entitled for the state border of the Republic of Albania define that: "the territorial waters extend along its entire coast in a width of 12 nautical miles starting from the baseline, which goes from the cape of Rodon (Muzhlit) and then between the Albanian coast and the islands of the Greek Republic to the Corfu Channel". In 2008, the Parliament of Albania will approve the new law repealing the above rule of 2001, specifically Article 53 of the new law 'On the control and surveillance of the state border' stating that: "The state border of Albania is established and regulated based on international agreements ratified by the Assembly, as well as bilateral or multilateral treaties, concluded with other countries" (Law 9861, 2008, article 53). Only three years after the signing of the agreement and its abrogation by the Constitutional Court of Albania, the parliament took an initiative to abolish article 53 of the law of 2008 (amended by Law No. 60/2012, 'On an amendment to Law No. 9861, dated 24.01.2008, 'On the control and surveillance of the state border'). In the decision of the Constitutional Court of Albania, point 82.3, sanctions in the legal plan a single truth about the existence of maritime borders between Albania and Greece: "state borders, including, of course, the border of the territorial sea between Albania and Greece, have existed" (CC Decision, 82.3).

The protocol of Florence of 1925, for the delimitation of the southern border of the Republic of Albania, emphasized among others that "the land border crosses the Ionian Sea in the Gulf of Ftelia according to a perpendicular line with the general direction of the coast to the border of territorial waters" (Official Journal of the Republic of Albania 2010, 52). The summary of these legal and historical facts presented above leads to an attitude that the Albanian-Greek maritime borders are clearly defined in the International Acts and accepted by the two countries' governments; what is the misfortune of this issue, relates to the intersection of political and economic interests at certain moments by interpreting them under the need of a new agreement of 2009, repealed because it affected the claims of state sovereignty of the Albanian state.

THE DECISION OF THE CONSTITUTIONAL COURT IN 2010 AND ANNULMENT OF THE SIGNED AGREEMENT BETWEEN THE TWO COUNTRIES

The debate on the definition of the Albanian maritime border has received public attention only during the last decade with the intervention of the Constitutional Court. The truth is that all possibilities for a new agreement with the Greek state remain open, only under the magnifying glass of the decision of the Constitutional Court, whereas easily as the method to be followed is explained, so difficult remains the negotiation based on it. The Constitutional Court of Albania with Decision No. 15, dated 15.04.2010, declared as incompatible with articles 3, 4, 7 and 92/e of the Constitution the agreement concluded between the Republic of Albania and the Republic of Greece 'On the delimitation of their respective areas, the continental shelf and other maritime areas belonging to it under international law'.

This Decision is final and enters into force on the day of publication in the Official Journal. The Constitutional Court was set in motion by the Socialist Party (opposition party at the time), recognizing it as a legitimate subject in the interest of the case. The trial decided on another issue, the 'power' of the negotiating team of the Albanian government. This point was necessary because the Greek side considers the only fact that 'lags' in the agreement's progress. For this reason, it is up to the Court to examine whether a constitutional body has violated the rights of political parties through a normative act issued by it (CC Decision 2010, 10). In this sense, each state institution must have a clearly defined scope of its competencies to act under constitutional and legal requirements. Article 92 of the Constitution explains the president of the Republic's competencies: "to conclude international agreements according to law". The Court emphasizes that the head of state has the power to exercise its *ius repraesentationis omni modae* i.e., to make internationally known the internal state will and represent the unity of the state on the international stage. How the president exercises this function can be: by the participation of the president himself, by making known the political position of the state in foreign relations, or by transferring the representative authority, through the plenipotentiary, to other bodies, mainly to the government. Conclusion of agreements where the Albanian state is a party, as a subject of international law, the participation of the president of the Republic is inevitable, either personally or through the plenipotentiary.

From a legal point of view, a representation of the state, as a subject of international law, in foreign relations by the government, without the prior authorization of the president, when it comes to international agreements of a political nature, is not in line with the principle of the state of law (CC Decision 2010, 35).

They are considered representatives of their state, based on their function and without the need to present full powers, heads of state, heads of government, and ministers of foreign affairs, to carry out all related acts, upon the conclusion of a treaty

(Vienna Convention on the Law of Treaties 1969, articles 7 and 8). Failure of President of the Republic to equip the delegation with full power violates the management of the President of the Republic provided by article 92 of the Constitution, and consequently the principle of separation and balance of powers guaranteed by article 7 of the Constitution (CC Decision 2010, 47).

So, it turns out that the Albanian side has negotiated for a wider object than it was authorized, so exceeding the authorization by the negotiating group and making the agreement incompatible with the principle of the rule of law guaranteed by article 4/2 of the Constitution (CC Decision, point 48). The Court concludes that the agreement signed between the two countries on the delimitation of maritime space violated the requirements of articles 4, 7, and 92/s of the Constitution (CC Decision 2010, 52).

The Greek side maintained its position on the regularity of the 2009 Agreement and the claims for its applicability, not relying on the facts as a whole of international importance but only on the analysis of the Constitutional Court decision on the issue of absolute power negotiating team lacked. In talks with the Greek negotiating team, Albanian deliberately shows the deviation from the primary object and the essence of the agreement on 'delimitation of maritime borders. In addition to the question of the legitimacy of the applicant and the lack of plenipotentiary addressed above, the Court assessed those points of constitutional importance for the case at trial regarding:

1. the title and content of the agreement and the need to define the respective maritime spaces;
2. the application of the principle of strict equality of distance for the division of maritime spaces belonging to both countries;
3. The influence of islands and rock masses in the determination of maritime spaces points to crucial importance for the issue (CC decision, 15.3).

CLAIMS OF THE PARTIES REGARDING THE PRINCIPLE OF EQUALITY AND EQUITY: THE FUTURE DEPENDS ON THE HAGUE

The evolution of the law of the sea was long based on the so-called doctrine of 'free sea', meaning that all spaces of the seas and oceans belonged to anyone; therefore, they had to be open and accessible for navigation and exploitation for all states without distinction. During the same period, the width of this water belt was determined to be three nautical miles, as at that time, such as the shooting distance (CC Decision 2010, 63). The interest of the coastal states to extend sovereignty and sovereign rights towards the 'open sea' has had as its primary goal the best and exclusive use by them of certain water areas for economic interests, national security, etc. To manage this situation, the UN adopted the Convention on the Law of the Sea in 1982, considered as the 'Constitution for the seas'. The Convention harmonizes the existing norms of international maritime law (treaties and customary international law)

with the new standards that change or affirm concepts previously unknown and untreated by traditional international maritime law (UNCLOS 1982). According to it, the coastal states have the right and direct interest to take, as the case may be, the necessary steps that make possible the extension of sovereignty, sovereign rights, or national jurisdiction in certain maritime areas (UNCLOS 1982). Based on this international act, regarding the first point, the Court considered it essential that in the function of the case to stop briefly to clarify the meaning, breadth, and legal nature of maritime spaces that fall into the first category, as the open sea is that part of the sea that does not include any of the marine areas mentioned in the first category (UNCLOS, article 86).

The Red Zone is the maritime space following the territorial sea, in which the coastal state has some limited competencies, mainly of an administrative nature. The width of the Red Zone can go up to 24 miles from the baseline, where the width of the Territorial Sea begins (UNCLOS, article 33/2). In this area, the coastal state may exercise various controls to enforce its legislation on customs, fiscal, health, or immigration matters within its territory or its Territorial Sea (UNCLOS, article 33/1).

The concept of Exclusive Economic Zone (EEZ) is considered the space beyond and near the territorial sea and does not exceed 200 nautical miles from the baseline where the Territorial Sea begins. The EEA consists of waters from the water surface to the seabed and the seabed itself and its subsoil (UNCLOS, article 56/1). In the EEA, the coastal state exercises sovereignty rights for economic exploitation (mainly fishing), exploration, etc. The other States, at any time, enjoy the right to freedom of navigation and flight over these waters, the right to lay cables and submarine pipelines, and any other use of it under the offshore regime. For this reason, the EEA generally has *a sui generis* legal regime (Shigeru 1995, 305).

The definition of the above concepts allows us to distinguish well the description of the Territorial Sea of a coastal state. The ICJ makes clear its position on the issue under consideration regarding the division of the continental shelf in the black sea between Romania and Ukraine, stating that: "the maritime border delimiting the Continental Shelf and the Exclusive Economic Zone should not be confused with the state border dividing territories (ICJ Decision Romania/Ukraine 2009, paragraph 217). For the delimitation of maritime spaces, in most cases, the principle of the middle line was initially applied as a line equidistant at each point from the baseline or the sea coasts of the states concerned (Calfliisch 1997, 213). However, the strict application of this method, both in cases where the shores of the states concerned are opposite (middle line) and when they are attached (equidistant line) to each other, showed that it often did not give a fair and honest result, giving way to case-by-case interpretations, or particular circumstances. Under specific circumstances, at least in the case of the territorial sea, was understood the configuration of the coast, the presence or absence of islands, etc. (Calfliisch 1997, 213).

In reasoning its decision, the Constitutional Court relied on noting that the ICJ, in its 1969 decision on the delimitation of the continental shelf boundaries in the North Sea between Denmark, the Netherlands, and Germany, emphasized, among other things, that the strict application of the principle of the middle line often creates pronounced inequalities, which increase more and more with the passage from land to sea (CC Decision, 88). Therefore, according to her, in the delimitation of maritime borders, the principles of justice and honesty (equitable principles) should be applied, through which it is possible to reach a fair and equitable solution between the parties.

This position of ICJ would reconfirm in the 1982 Decision on the division of the Continental Shelf between Libya and Tunisia. Furthermore, this decision specifies that "Equity (*Équité*) is a general principle that should be applied directly as a norm of international law"; therefore, as such, it is mandatory for the Court. Based on the above analysis, the Constitutional Court found that applying only the principle of strict equality in the agreement under trial is contrary to international standards and the obligations arising from article 3 of the Constitution of the Republic of Albania. Precisely, article 1 of the Agreement, among other things, will determine the maritime border between the two countries following the principle of equality, expressed by the midline, each point of which is equidistant from the nearest points of the baseline (both continental and island) from which measures the breadth of territorial sea waters. In this case, the aim is to implement a strict middle line, which does not consider any particular circumstances ascertained when delimiting maritime spaces. Furthermore, this principle will also apply to the demarcation of the borderline between island spaces.


The Court assesses the application of this principle as in open contradiction with the provisions of the UN Convention on the Law of the Sea, the practice of states, and the decisions of international courts or courts of international arbitration (CC Decision 2010, 98). The presence of natural islands is an essential element that significantly affects the delimitation of maritime borders (spaces), for which the Court itself has stopped in analysis. Article 121, the third paragraph of the Convention, clarifies the distinction between islands and rocks, specifying that the latter (i.e. rocks) may not have an EEA or a continental shelf when uninhabited or engaged in economic activity.

International judicial theory and practice have shown that under the circumstances, an island can be given full effect, partial effect, no effect at all, but gains little maritime space in delimiting maritime areas. There are cases where the islands gained full effect, e.g. the delimitation of maritime space between the US and Mexico; Venezuela, and Great Britain (CC Decision 2010, point 106), and here, as a rule, the borderline passes between the islands belonging to both parties respectively. In other cases, the islands have profited partial or no effect but benefiting from a limited maritime space, or when neither effect nor maritime space. The Constitutional Court noted in the function of the principle of *Équité* that, from the Albanian side, in determining the borderline between Albania and Greece, the characteristics of the coast

of both countries should have been taken into account, especially the presence of islands or rock masses in water areas an object of delimitation. Specifically, the Court considers that the delimitation process should have gone through several stages, leading to adopting a provisional borderline corrected because of the principle of Equity. In this sense, the influence of the inhabited islands of Lazareto, Erikuza, and Othonoi and the main island of Corfu itself had to be assessed separately. The Agreement gives (unjustly) to everyone full effect in the demarcation of the borderline (CC Decision 2010, 107). Another significant problem of the Agreement under consideration is the treatment of the rock mass or the Barketa hammer, which turns out to have also been given full effect, equating it with the Albanian continental soil, although we are dealing only with a small mass uninhabited rocky and without economic life. Moreover, this rock mass has significantly influenced the displacement of the borderline separating the territorial sea of the two countries. In analyzing all this, the Court finally considers that the Agreement concluded between the Republic of Albania and the Republic of Greece 'On the delimitation of their respective areas, the continental shelf and other maritime areas belonging to them under international law', is incompatible with the Constitution regarding issues related to a) the failure of the president of the Republic to provide the Albanian delegation with full powers for the conduct of negotiations and the conclusion of the Agreement; b) severe deficiencies in the content of the Agreement; c) non-application of the basic principles of international law for the division of maritime space between the two countries to achieve a fair and honest result; d) not taking into account the islands as particular circumstances in the delimitation of maritime spaces.

Based on all this, the Court decided: Declaration as incompatible with articles 3, 4, 7 and 92 of the Constitution, of the Agreement, concluded between the Republic of Albania and the Republic of Greece 'On the delimitation of their respective areas, the continental shelf and other maritime areas belonging to it under international law'. Following this, between the two states, mainly instigated by the Greek side, there have been occasional diplomatic and political talks and attempts published from the media in spring and summer 2021, in several political statements and diplomatic meetings between the parties for a review of the maritime borders at the International Court of Justice in The Hague. We understood that near or far as a road, depending on the will of their requests, what we know will be the sea border's future between the two neighboring states.

CONCLUSION

Throughout history, Albania and Greece's relationship was always documented by international acts and accepted by both sides of the sea border as neighboring countries. Undoubtedly, the spirit of nationalism encountered not infrequently by both parties has damaged the confidence of rapprochement and cooperation between the two countries, giving unilateral approaches and conclusions on this issue of critical importance for the continuity of relations between the two countries. The evolution of this relationship reached the peak of the maritime border re-discussion in 2009 with a new agreement between the two countries rejected as incompatible with the Albanian constitution by the Constitutional Court in 2010 after reviewing the argument that the deal in question is null. No has produced new legal effects, which means that the borders between the two states are according to the previously accepted and documented regulation. Meanwhile, after this decision, the parties discuss in 2021 entrusting the maritime border issue to the International Court of Justice in The Hague. As an international mechanism for resolving the conflict, its decision is what will be next in the future of the sea borders for both countries. 

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A PRUDENTIAL PERSONALIST ETHICAL APPRAISAL OF HUMAN CLONING

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Abstract: Numerous uncertainties are hanging over the biotechnology of human cloning which has prompted medical ethicists and religious organizations to ask questions that bordered on its ethical and religious considerations. In cloning humans, ethical and religious issues arise both in its clinical and laboratory settings hence, the morality of manipulating human genes is the foremost ethical issue among scientists and religious scholars. Therefore, this paper evaluated the human cloning technology using the personalism and prudential personalism ethical-religious models to arrive at a workable moral paradigm. To achieve this objective, the paper employed the phenomenological and critical-literary literature review methods. The paper argued that previous ethical and religious researches have not adequately employed the 'ideal' ethical models to appraise the morality of human cloning hence; using the personalism and prudential personalism ethical-religious models were appropriate to reveal that every human life has worth and its commodification is an aberration. The paper concluded that based on the paradigm of prudential personalist ethics, cloning humans (especially, human reproductive cloning) negates respect for human life, human dignity, and communal goods hence it should not be practiced.

Keywords: Human Cloning; Personalism; Prudence; Ethics

INTRODUCTION

One controversial issue in contemporary times that has generated serious ethical and religious debates is cloning, especially human cloning. Many authors have written on cloning, particularly on cloning a human. While some authors wrote to support the technology, others have written to express their disapproval. New areas of science have often subjected the safety of this technology to serious debates. For instance, the cloning of animals such as cows in the early 1990s that led to their development of abnormal immune systems attracted massive attention. It was also discovered in some cases that animal clones are likely to develop faster, grow old very fast, and die at a younger age than other counterparts of the same species. As a result of the potential dangers posed by this technology, some concerning scientific, religious, and world bodies such as the National Academy of Sciences (NAS), National Pro-Life Religious

Council (NPRC), The President's Council on Bioethics (PCB), American Academy for the Advancement of Science, and United Nations Educational, Scientific, and Cultural Organization (UNESCO) among others have called for a total ban and non-legalization of cloning human beings (NAS 2002; PCB 2007; NPRC 2007; UNESCO 2006). The premises of their caution on cloning humans were based on the observed high index of ill-health in animal clones which shows that the same ill-health will befall human clones including the egg-donors.

Human cloning also raises some religious and ethical issues. In 2001 when the first human embryo was cloned, it was met with serious objections by some religious groups. For example, the Roman Catholic Church (RCC) and other religious groups vehemently condemned the scientific enterprise and advocated its ban and non-legalization holistically (Catholic Leadership Conference 2001). While some people believe that scientific advances that enable human cloning are a God-given blessing, others claim that cloning humans by scientists are playing God via human genetic manipulation.

Most opponents of cloning argue that cloning humans are anti-theism, anti-creationism, anti-human and anti-society. To them, human cloning lacks ethical consideration and human morality. They refer to cloning humans as a scientific project that indicates fetal decay and deviation to which science is driven. They further argue that cloning human beings is a reflection of the authentic malaise of modernization which prizes science and technology far above human life.

While opponents of human cloning do not see anything good in it, its proponents argue that it has several benefits including preserving the human species and amelioration of human sufferings. Though their arguments have scientific and economic bearings they lack authentic ethical/moral judgment. Thus, to take care of these inadequacies, this research is aimed at evaluating the technology using ethical-religious underlying principles to arrive at a workable moral paradigm. The underlying ethical and religious models adopted for the evaluation are Personalism and Prudential Personalism.

CLONING: DEFINED AND DESCRIBED

A 'clone' is a living thing created asexually from one ancestor. In biological science, the term implies an organism created from other organisms via splitting or cell differentiation which is different from those organisms that are created through sexual reproduction (Polkinghorne 1997; Ottuh 2010). The method of reproducing asexually in plants includes budding, grafting, layering, cutting, and splitting of plant rootstocks. Lower animals can also be produced through asexual reproduction, for example, Hydras, flatworms, etc. In higher animals, clones can also be created. Even nature creates clones, for example, identical twins or triplets. For Marclono (1998; Ottuh 2010a; Liu, Cai, Wang,

Nie, and Zhang 2018), cloning is a method through which identical organisms are reproduced, that is, with similar genetic coding (Deoxyribonucleic acid or DNA) as the organisms that preceded them. Cooke (1977) and Thomas (2013) simply define cloning as the use of single identical cells to create a line of an exact duplicate of mature individuals. The above definitions imply that cloning is a form of reproducing asexually or regeneration since it is devoid of fertilization of the female egg by the male sperm, but the process is perfected via the method of autogenesis (self-creation) or electrical programming. Generally, every clone looks genetically.

Cloning means the manipulation of chromosomes from human or animal cells to produce an identical copy of an organism by inserting the adult nucleus into an egg from which the nucleus has been removed, stimulating embryogenesis, and implanting the embryo into the uterus of a surrogate mother (Daley and Solbakk 2011). The above definition best describes human cloning.

Cloning also means the creation of multiple identical living organisms that are genetically alike by substituting a nucleus or by mechanical division of a cleaving zygote to yield identical cells each of which can result in a new separate individual. Scientists have claimed to have successfully cloned sheep, mice, goats, cows, pigs, and mules using the procedures described above (Liu, Cai, Wang, Nie, and Zhang 2018). The accelerating successes of scientists' experiments have led to widespread discussion over the possibility of human cloning.

McKinnel (1997) asserts that the most common scientific models for cloning are mice, fruit, flies, and frogs. According to him, in the history of unicellular organisms cloning, the first organisms to be cloned using nuclear transfer were frogs. The reason for this is that unicellular organisms have large egg cells and that scientists can obtain larger numbers of them from one ovulation. According to McKinnel, research cloning is also occurring in primates. The reason for this is the similarity they share with human beings. He further asserts that this trend has led many to the most talked about aspects of cloning- the use of the techniques with human cells and eggs. McKinnel's work though scientifically objective did not discuss extensively, the ethical, legal, moral, and religious-theological perspectives of cloning. While advocating a non-ban position on human cloning, he calls for centralized control and management of the technology.

On their part, Hawley (1997) and McLaren (2000) describe cloning as the production of two or more genetically identical individuals by mechanical division of cleaving Zygote to yield cells each of which can form a new individual. Cloning is the process of producing a living creature using the DNA from a single individual rather than the DNA from two folks, which is the most common practice among bisexual reproducing species (Begley 1997; Ottuh 2010b). Hawley says that an elaboration on the history, techniques, ethics, and purposes for researching cloning is necessary to avoid erroneous opinions about it. According to him, the lack of knowledge on the subject has led to variant opinions about it.

Thus, a 'clone' is described as an organism that is asexually derived from a single individual by cutting, bulbs tubers, fission, or parthenogenesis. In his work, Appleyard (1998) refers to cloning as a biological (or botanical) term otherwise known as vegetative propagation which involves the use of small cuttings. This implies that the phenomenon of cloning has been going on in the natural world. Appleyard describes the success of man in cloning invertebrate organisms, adult animals, and the attempts to clone humans as a scientific stride. He calls for caution on the new trend but insists that human cloning is ethical. Appleyard's position favors therapeutic cloning. For Appleyard, cloning will be beneficial to humans economically or agriculturally, but beyond its economic values, it tends to alter the meaning of humanity and life, including divine creationism. Judging from Appleyard's work, the morale of scientists is boosted, while neglecting moral judgment on the subject, especially its implications.

Ottuh (2020) and Ayala (2015) explain the somatic cell nuclear transfer used in the successful cloning of Dolly the Sheep and pointed out that technological breakthroughs had led to possibilities of cloning humans. Concerning the scientific and biomedical implications of cloning, Qui (1997) thinks that the techniques can improve the health of humankind. Qui sees no problems with the cloning of human beings. He identifies two problems that are associated with cloning, especially animal cloning. This includes possible infections and tumor formation which are harmful to human beings. His concluding remark is that cloning is good, but it is not morally desirable to clone human beings. The morality of cloning is not well defined and stated by Qui.

On the other hand, Samson (cited in Annas, Andrews, and Isasi 2002) defines cloning as a scientific technique that involves the production of a genetic copy of an already existing organism, an animal, plant, or human. She explains that cloning can also mean the making of a genetic duplication of a DNA sequence, a cell, not just the entire organism. Ann's definition of cloning is complex since a clone is believed to be a complete offspring of its donor parent. Here, Ann distinguished between two types of cloning namely research or therapeutic and reproductive cloning.

According to Annas, the laboratory processes involved to create a cloned embryo in these two typology are almost the same. The difference between the two types of cloning has led to numerous debates around the control of scientific development in this area. In Ann's view, the rejection of research like human cloning that would lead to human medication is unethical and amounts to science fiction. As a proponent of human cloning, Ann forgot to realize that cloning will contribute to a grossly widening gap in living standards between the rich and the poor people and even nations. Annas also forgot to realize that such technology focuses mainly on the needs and desires of the wealthy few. Kolata (1997) writes on the evolutionary history of cloning where he traced the history of cloning to 1952. According to him, the first implantation of a nucleus into an egg cell by Robert Briggs and Thomas King took place in Philadelphia.

Although this was not successful, the successful cloning of embryo cells was accomplished later in the 1970s by John Gurdon. There were other attempts until July 1997 when at the Roslin Scientific Institute a lamb number 6LL3 called Dolly was born through cloning (Campbell, Wilmut, Schnieke, McWhir, and Kind 1997; Ottuh 2010c). In Kolata's opinion cloning would directly offer a means to cure diseases or a technique that could extend the means to acquiring the development of organisms as a whole.

As a cloning proponent, Kolata never saw anything wrong with cloning, especially animal cloning. For Kolata, the cloning of livestock will help in the production of biological proteins that will help people who have diseases like diabetes, Parkinson's, and cystic fibrosis. Benoit (1996) and Wills (1998) agreed with Kolata that cloning animals like pigs and cows will assist in the production of human spare parts for human medication. They also argue that human cloning will enable infertile couples to raise their children. This will be made possible through the establishment of fertility clinics whose aim will be to clone embryos and even test them for genetic disorders. If an embryo is tested negative for genetic disorders, the clinic will then implant a clone of that embryo (Flock 2007). To achieve this, a frontline proponent of cloning and embryologist, Richard Seed claims that he has set up a fertility clinic that can conduct the nuclear transfer. The most amazing about the opinion of Kolata, Wills, and Benoit, including Richard Seed, is that they only based their judgments on the calculative gains of cloning without taking into consideration the negative effects and gross losses that the technology would result. To these persons, every form of cloning is ethical since it would be of good to human society. There are three types of human cloning. They include embryonic cloning, reproductive cloning, and therapeutic cloning. However, the scope of this paper is limited to human cloning.

RELIGION AND CLONING

Towards understanding an ethical evaluation of human cloning within the contexts of Personalism and Prudential Personalism, it is paramount to reflect briefly on the history of the debates between religion and human cloning over the years. It is possible to identify four overlapping time frames in this wise, in which theologians, religious thinkers, and philosophers have engaged the scientific prospects and ethics of human cloning.

The first phase of discussion took place in the 1960s (Campbell 2002). This early debate was occasioned by a context of expanded choices and control of reproduction, for example, availability of the birth control pill, the prospects of alternative, technologically assisted reproduction, for instance, *In-Vitro* Fertilization (IVF), and advocacy by prominent biologists and geneticists of cloning 'preferred' genotypes to avoid over flooding the gene pool of humans with harmful genes thereby exposing human species' survival at great risk. Prominent among the theologians that initially

participated in the debate concerning genetic manipulation and human cloning were Charles Curran, Bernard Haring, Richard McCormick, Karl Rahner, Joseph Fletcher, and Paul Ramsey. Joseph Fletcher and Paul Ramsey stand out prominently to object and foresaw a world of cloning humans that is significantly prescient, given the level of present debates (Campbell 2002).

For Fletcher (1979), the cloning of human beings is a choice technique of reproduction that is related to the genetic roulette of sexual reproduction. Ramsey, on the other hand, sees cloning as a borderline or moral boundary, for medication that may be aligned at risk of compromising with human beings and procreation (Fletcher 1979; Ottuh 2020). He identified three horizontal border-crossings (person to person) and two vertical border-crossings (person to God) of human cloning to include the followings:

- Clonal reproduction requires a dictated breeding to serve a scientific end of a dictated gene pool.
- Cloning may involve non-therapeutic experiments on the potential human person.
- Cloning may negate what parenthood stands for by transforming procreation into reproduction and by altering the meaning and procreative ends of human sexuality.
- Cloning from the theological point of view represents the sin of pride and self-creation in which humans aspire to become human-God (Verhey 1994; Ottuh 2010c).

The second time frame of theological and philosophical discussions on human cloning began in 1978, which is notable for two distinctive events: The birth of the first IVF baby-Louise Brown and the publication of David Rorvik's 'In His Image' (1978), an account alleging the creation of the first human clone (Ramsey 1970). While Christian theologians concentrated on the ethical issues raised by IVF, Jewish scholars such as Seymour Siegel and Fred Rosner directed attention to human cloning and were neither as supportive as Fletcher nor as indicting as Ramsey (Rorvik 1978). The first known and formal official response by protestant denominations to the discussion on cloning came in 1977 through the United Church of Christ. This ecclesiastical group provided a general overview of the science and ethics of human cloning through its work titled: 'Genetic Manipulation' (Lynn 1973, 74).

Other religious bodies in this period like the World Council of Churches in 1975, 1982, and 1989 and the National Council of Churches of Christ (1980, 1983, and 1986) among other religious groups also made their positions known giving cautious approval only to genetic interventions for therapeutic ends (Lynn 1973; Ayala 2015). In 1979, responses by some religious leaders on genetic engineering led the then-American President, Jimmy Carter to order for an evaluation of the scientific, ethical, and social

issues of gene splicing by the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioural Research.

The third era was in 1993 after the blastomere separation of human embryos at George Washington University sparked off mixed reactions (Campbell 2002). Firstly, the Roman Catholic Church expressed vigorous opposition, with the Vatican editorial faulting the findings as basically irrational (McCormic 1993; McLaren 2000). The conservative Protestants also held that the findings stand at variant at their basic concepts of personhood and humanity. Other Protestant scholars recognized the potential medical advantages from the findings and called for control rather than its ban.

The fourth and most recent stages of theological discussions came in the wake of the successful cloning of Dolly the Sheep. Here, the Catholic and Protestant groups re-stated their former positions (Shannon 1994; Ottuh 2010d). For instance, a Protestant theologian holds that an account of the good life in a family is inhospitable to cloning (Verhey 1994). On the contrary, some other Protestant theologians, reflecting on the weaning of human partnership with ongoing divine creative activity, have expressed qualified support for cloning research and human cloning. The report presented to the US National Bioethics Advisory Commission (NBAC) in 1997 provided the most considerable positions of theological evaluation in this revived debates on the ethics and morality of cloning research including its applications to human cloning (Verhey 1995; Arias 2010). Multiple but normative conclusions can be drawn from the above brief historical overview of religion and human cloning as follows:

- Sustained theological and philosophical debates on the issue of cloning with the intent to anticipate and promote robust current debates on the subject.
- The evidence that there is no singular theological and philosophical position on human cloning. In most cases, theological and philosophical positions exhibit societal pluralism.
- Despite changes in scientific undertaken and technical prowess, the values that underlie theological and philosophical concerns about human cloning have shown durability and staying power and have created general awareness and discussion on the subject.
- Religious discussion is no longer limited to professional theologians. It has expanded to encompass other professionals, including scientists, and other faiths, as well as education of religious adherents (Ottuh 2010c; Thomas 2013). This means, that theological and religious stances have gradually aspired and progressed to be informed communities of moral discourse on issues of reproductive and genetic technologies.

RELIGIO-ETHICAL REACTIONS TO HUMAN CLONING

Post (1997) examines the reactions of religious organizations to human cloning. He says that religious organizations think that cloning by nuclear transfer could cause men to be reproductively obsolete. That cloning defies the rules or belief that humans have souls. Arguing along this line, James Hefley in 'Human Cloning: Playing God or Scientific Progress?' says that human is taking the work of God into his own hands. Their arguments include the determination of a clone's moral rights, the alteration of the very meaning of humanity, and the lack of perception of human uniqueness. Putting all these factors into consideration, Post and Hefley seem to be suggesting that human cloning is unsafe, anti-creationism, unethical, and anti-human. This view seems to represent the general opinion of anti-cloning groups, especially, that of religious organizations, for example, the Catholic Church (Catholic Leadership Conference 2001). This work is not objective enough because not all religious arguments for or against human cloning were discussed. Besides, the arguments of the various religious groups were not well articulated. Using a particular religious view to generalize judgment on human cloning is unhealthy and irrational. This is why; this study will undertake a theological-religious discussion on cloning, cutting across virtually all major religions of the world.

An author such as Cole-Turner (1997) examines the divergent views of some of the major religions including Islam, Christianity, Judaism, Raëlism, Hinduism, etc. In summary, the majority of these religions seem to tow the same line that non-human and human cloning is unethical and anti-religious. Cole-Turner's work is a compilation of responses by some religious groups. He did not only document the responses but also evaluated them with a view of arriving at a workable synthesis concerning the rightness or wrongness of human cloning.

Still, on the religious perspective of human cloning, two religious panelists Zoloth and Holland (2001) began their debate with a discussion on protestant ideas about the sin of pride and respect for persons and how these apply to human reproductive cloning. Giving current safety concerns on cloning, they favor a continuing ban on cloning. But ultimately, they argue that cloning should be regulated rather than banned outrightly. On their part, Zoloth and Holland reached a different conclusion about reproductive cloning based on her reading of Jewish sources. Among the Jewish sources, she cited is the view that the world is an uncompleted "whole" that needs human participation to become a "total whole", and the fact that human cloning promotes religious compassion and charity. They fail to realize that the negative impact arising from the technology will at the same time lead to human sorrow and disabilities. For instance, Whilmot (in Ramsey 1997; Wilson 2014) says that it took 277 attempts to clone Dolly successfully. These failures suggest death and losses. To take care of these inadequacies, this study therefore will strike a balance between the positive and negative impact of cloning humans both on people and on the society-at-large.

Among works that discuss the relationship between bioethics and religion include that of John Mahoney (1984) where he explores in-depth the possibility of a dialogue between Christianity and medicine regarding *In-Vitro* Fertilization and other forms of assisted reproductive issues. Others in this series include 'Theology and Bioethics: Exploring the Foundations and Frontier' written by Earl E. Shop which contains twenty essays on theology, science, bioethics foundations and frontiers in religious bioethics, religious reasoning about bioethics and medical practices (Shelp 1986; Ayala 2015; Enwere 2002; Zahir 2016). All these works set the basis for ethical-religious arguments against human cloning and forms of assisted reproductive practices. These arguments are sound and appealing especially as they support human respect and dignity.

'Congregation of the doctrine of faith: Instruction on respect for human life in its origin and on the dignity of procreation' (1987) contains the Vatican's position on human cloning and other medically assisted reproduction. The work traces the origin of life and that of procreation. Here, the origin of life is traced to God. And procreation traced to human sexuality. It advocates priceless respect for human life and human dignity. This work in its entirety suggests that human cloning in all its forms is a negation of respect for human life and human dignity. This is another religious argument against human cloning.

The World Council of Churches (WCC) working group examined the ethics and the biological sciences as they relate to human cloning (World Council of Churches 1979). WCC believes that cloning raises some ethical objections similar to those of positive eugenics. According to the WCC, there is no societal, let alone global, consensus on 'superior' human qualities, and that cloning technology places enormous powers of manipulation in the hands of a few experts, who require control by other experts.

It is contended that the fundamental issue of cloning is the sanctity of human life (Anderson 1982). This is because; the potential for loss of life and genetic abnormality is very high in cloning. Anderson argues that, while clones would be creations in God's image and have souls, the major question is whether their humanity would be redefined. Because of societal disregard for the sanctity of life, clones will likely be used for spare parts and be abused by clonists and clonees. Anderson posits that cloning is anti-human and anti-society. In the same vein, Breek (1991) contends that cloning science holds out tremendous promises for agriculture, but that religions must condemn it as a grotesque manipulation where it is to be practiced on human beings.

Brown (1995) focuses on human personhood and the principles of the image of God. According to Brown, the principles of the image of God give a decisive command to the person for the prohibition of "creative genetic predetermination of a human being" through cloning or chimeras because human freedom is denied, respect for life is disregarded, and the relational self is violated. Brown contends that human freedom for self-determination is theologically subject to the image and sovereignty of God (Tugnoli

2016; Duff 1997). Several reasons against cloning from a theological perspective are presented to include the followings:

- Cloning represents an insidious form of pride, in as far as we may seek to create more perfect humanity or humanity created after our image. He argues that power to create humans means power over human beings.
- Human beings are not their creators, but cloning raises more prospects of humanity acting as its destroyer.
- Human cloning may challenge traditional forms of human procreation.
- There is a potential risk of harm to the identity of the cloned child.
- The presumed ownership and manipulation of animal life for human cloning may violate the theological claim of dominion. For these reasons, Duff calls on the Church to forge a responsible path for this new technology (Duff 1997).

Within Hindu spirituality, it is believed that one should ask of and embrace cloning technology. A Hindu would ask, will this help me in my search for realizing God, who is enshrined in the depths of my consciousness? For Hindus, cloning science is an answer to this question. It is argued that the real moral question is not whether or not to engage in cloning, but when and why (Fletcher 1997). Fletcher replies that there is no ethical objection to cloning when it is morally or humanly employed and practiced. Fletcher portrays cloning as one among many methods of reproduction useful under appropriate circumstances. It can alternate with sexual reproduction as need suggests, in one generation or another. He asserts that the criteria of humanness, laboratory reproduction is radically human because it is rational and deliberate. Human beings should exercise the same kind of reproductive choice and control over themselves as they do over non-humans. According to Fletcher, what humans can do by cloning plants and animals they could and sometimes should do for themselves. Among humane uses of cloning technology according to Fletcher are:

- Providing 'clonants' (i.e. instructively, Fletcher never uses the language of the 'person') with sources of immunological compatible life-saving organs.
- Perpetuation of the finest genotypes in the human species.
- Cloning a child's sex to avoid a genetic-linked disease or to ensure family survivalism.
- Selective reproduction of individuals, e.g. to scientists, for social vocations that require specific characteristics.
- Reparation of a diminishing human gene pool;
- Safeguarding those (e.g. soldiers, space travelers, etc.) who assume risks or dangerous roles on behalf of human society.

Arguing from the Islamic perspective, Hathout (1997) says that the Qur'an and Islamic traditions encourage scientific inquiry; hence, scientific knowledge becomes a

symbol or sign of God's creation. Cloning, according to Hathout, imitates creation by manipulation of elements created (*Khaliq*) by God but does not change creation (*Barī*). Hathout's assertion begs the question. The biggest question in Islam concerns the application of research findings. Human dignity must be protected from abuse. Thus, the application must be complemented by ethical and sociological studies of possible harms to human beings.

It is believed that the significance of cloning lies in its revelation to humankind as a fundamental reality (Hefner 1997). Thus, human beings are created co-creators and authentic natural creatures making cloned humans be natural persons. Theologically, Hefner contends that life is God's gift, that human beings should be good stewards of God's gifts. Humans are free and accountable to God, and that human experience is inevitably sinful. Policies on cloning have never reflected on those qualities, including allowing considerable time for public discussion, attending to the complex sets of values, and accounting for our fallible judgments.

Jones (1985) argues that cloning is unacceptable to Christians. According to him creativity and change are intrinsic to human life and reflect our likeness of God who is creative and innovative. Cloning by contrast involves replication of the past, and therefore, is a form of "reactionary biological conservatism". The value of clones lies in their replication of characteristics of other persons, clones are valued for others, rather than for themselves. Thus, they are creatures in 'our' likeness, rather than, God's likeness. Jones fears that human cloning will result in lost humanness. In addition, he believes that society is incapable of addressing the ethical issues raised by cloning.

Keown (1975) discusses human cloning from the Buddhist perspective. He reflected on asexual reproduction, which cloning implies. Keown argues that human cloning will merely illustrate the variety of ways that life can be generated which is consistent with the teaching in Buddhist texts. According to him, the Buddhist narrative tradition relates stories of "spontaneous generation" in which sages and supernatural beings have the power to "materialize a human form for themselves at will". In Keown's view, both the clone and the host are ontological individuals entitled to full respect.

Kimbrell (1993) recommends a "complete ban on the cloning of human beings". According to Kimbrell, this ban or policy will be based on an appeal to the "sacred image of the human form" thus, suggesting conceptions of embodiment and the image of God. Lewis (1973) writes on the grave consequences of cloning humans. According to him, the consequences of designing human descendants would be less freedom.

O'Donovan (1984) discusses cloning humans from the Nicene Creed. He uses the Nicene Creed as a point of departure. He contrasts the theological use of 'begotten' with 'making'. He argues that cloning technology demonstrates that mankind does have the awesome technical power to exchange the humanity which God has given him for something else, to treat natural humanity itself as a raw material for constructing a form

of life that is not natural humanity as an artificial development out of humanity. This implies that the use of scientific capacity comes at the expense of natural humanity.

The article, 'Statement on recent developments in cloning technology' published in 'America' (1997) sums up the view of the Orthodox Church on the subject of cloning. This denominational statement holds that the prospect of human cloning raises the prospect of an ominous slippery slope in which the use of cloning will inevitably lead to abuse. According to them, "Prime" DNA will be commercialized, children will be produced to serve as spare parts, and there will be movements to create a superior race of human beings (Arias 2010). The statement concludes by emphatically requesting that a government ban should be imposed on all forms of experimentation to produce human clones and that government funding for such activity is denied also.

Siegel (1978) addresses the prospects of cloning in the future. He argues that we cannot play God, that humankind is challenged by God to use its reason and imagination and its daring to improve the health and welfare of the human race. Stinson (1972) writes to oppose Ramsey's view. In opposition to Ramsey, Stinson envisions socially regulated cloning of individuals deemed especially valuable to the community within the next century. He offers a key theological concept for the future. The spiritual significance of life lies in the ongoing content of human life, not its origin, whether natural or artificial. He further contends that clones would have a "soul" in as much as they would be capable of personal, ethical, aesthetic, and religious experience. So long as a clone is raised in a loving familiar environment, Stinson believes that there is little question about the genuineness of the humanity of a clone.

PERSONALISM AND PRUDENTIAL PERSONALISM

Personalism is a modern philosophical principle considered as an improvement of abstract idealism. It conceives life as more than thoughts, more than presentations and ideas (Mullins 1972; Onimhawo 1999). Personalism asserts the accumulative unity of consciousness and recognizes all the facts of consciousness including the will and feelings as well as the intellect. Personalism takes humans in the totality of their relations to nature, to other individuals in human society, and God Himself. It recognizes the common experiences of human beings and the law of reason by which they understand each other and their own experiences.

In a personalist worldview, the ultimate reality is the human person that is a creation of God's hands, endowed with freedom so that the divine person is working out a purpose in human society. Having the goal of history is a perfect society of human beings. With regards to the physical universe or nature, personalism agrees with idealism in the view that nature in all its part is constituted in and for thought, that time and space are forms of thought under which we apprehend the world rather than independent realities (Baca 2014).

Personalism is a philosophy erected on a broad foundation of facts and experience. Personalism avoids abstraction; hence, it differs from other forms of philosophical reasoning. According to Mullins (1972), personalism takes reality as it finds it and human as the subject. The world is an object for human thoughts. Reality as one knows it includes the subject-object relation. But the object is not a bare-thinker. A human being is an acting person with will, plan, purpose, and a goal of an endeavor. Personalism thus recognizes all that the conception of personality implies and employs it as the type-phenomenon to explain the world of humanity.

On the other hand, personalism is emphatically in its assertion and explanation of first and final causes. Remarkably, physical science knows no 'first cause' hence; all the natural causes are, first of all, the effects of previous causes. Thus, there is only an infinite regress of causes, all of which are on the physical level. Thus: A causes b, and b causes c, and c causes d, and so it continues indefinitely. This explanation implies that no first cause, that is, no real cause, is ever found by this explanation.

However, personalism asserts that the human 'will' is in a relative sense at least, a first cause, which implies that, from it, humans derive their first and fundamental conception of causation. The human 'will' in this sense is not the result of the transformation of force. It is a cause on a higher level. From here, personalism derives the idea of 'divine will' on an experiential basis. This means, that, the 'will of God' is the moving and efficient cause of all things working toward a divine goal. Human will and knowledge, therefore, are products of God's action - God imparting himself to his creatures.

Prudential personalist ethics is an ethical model whose proponent is B.M. Ashley. This ethics is 'prudential' because it is practical, goal-seeking in character, situational, and contextual. On the other hand, it is 'personalism' in that it evaluates human goals and the means to achieve these goals in terms of the actualization or fulfillment of the human person in his community (Ashley and O'Rourke 1989; Ottuh 2008). This ethical worldview is teleological in principle. It thinks in terms of any actions' effects for the good of persons and the community involved. Accordingly, these effects are, however, evaluated according to needs and purposes that have been established not by subjective preference nor merely by abstract laws, but by the constitution of the human person in its individuality and communal goal (Ashley and O'Rourke 1989). In this sense, prudential personalist ethics proposes that the rightness or wrongness of any human actions can best be judged by considering the indefinite yet teleological goal or end known as 'life' and by asking, how such action in its context contribute to the growth of persons in a community (Waweru 2018). This question can also be answered with the help of what Karl Rahner calls "informed conscience" which the great XX century theologian saw as human's direct contact with the voice of God (Lederer 1994). According to him, people are obligated to inform themselves about ethical norms, incorporate that knowledge into their daily lives, and take responsibility for their actions.

According to Ashley and O'Rourke (1989), the basic fundamental principles of prudential personalism are that:

- humans need to understand that the Creator has set the goal of human life for all human beings and that to achieve this self-understanding they must use all kinds of information of their conscience;
- effort towards self-understanding does not result in a single principle, but an indefinite number of principles reflecting the complexities and multi-dimensional composition of the human person. In this way, this reflection conveys their system of values, which they need to formulate in the moral values that aid them to make prudent moral choices; and
- in terms of this value system expressed in moral rules, humans strive to inform their consciences covering particular moral choices prudently, by keeping in mind both their goals with priorities and the concrete circumstances, risks, and foreseen special consequences of a particular act. And that such a moral logic is, 'prudential' in its practical, intelligent effort to reach their goals and it is 'personalist' in that it works not for superficial goals but the total realization of inherent needs of the human person in a community.

PRUDENTIAL PERSONALIST APPRAISAL OF HUMAN CLONING

The act of cloning is a human achievement in the domain of science. This achievement is a result of human thirst and quest for ever greater knowledge which can be considered as one of the tokens of the divine presence in humans working toward the goal of universal well-being and the universal kingdom of truth. Humans' insatiable desire for greater and greater knowledge of nature, its betterment, and nature's response to their quest is both powerful witnesses to God's existence and probable acceptance. The scientific consciousness thus is implicit in it the consciousness of God. It is the consciousness of the finite knower seeking satisfaction in the knowledge of the infinite. Remarkably, since the era of Immanuel Kant, the presence in humans of a moral imperative has been commonplace in philosophical thought (Kant 1966; Zarnadze S, Zarnadze I, Baramidze, Sikharulidze, and Tabidze 2019). This implies that the supreme moral ideal is rooted in every human being, which infers that, human's inventions may probably not be devoid of morality since human is divinely moral conscious.

As earlier stated, the prudential personalist ethical model proposes that the rightness or wrongness of any action should be judged based on its communal goals and good. In this sense, such goals or consequences resulting from an act must be evaluated only in terms of the actualization of the human person as it relates to other human persons. This means that the consequences of human action must not be evaluated in terms of immediate pains and pleasure or any other quantitative values as the case may be.

According to this ethics, there are inherent finalities in a human being which they do not have the power or right to choose. For example, no human being has the power to choose to become human. Human beings are human beings because God made them so. As such, human life is considered a gift from God (Wilson 2014). This ethical argument is synonymous with the assertion of the German philosopher, Immanuel Kant who says that human beings must be treated as ends in themselves, not as means to an end. This is a principle that forms the basis for many human cloning debates. Perhaps, the starkest application of such reasoning is the possibility that humans may be cloned to provide human spare parts (organs) that could be transplanted into the genetic donor without fear of rejection. The use of cloned embryos and fetuses for such purposes is defended by some cloning advocates and dismissed by others based on human 'personalism', and this makes it a far-fetched scenario that can never come to reality. However, many will agree that creating a clone of a person simply as a source of 'spare parts' is a gross violation of Kant's principle and the prudential personalist ethical model.

It should be admitted here that although one may agree with Kant's principle of rationality and responsibility as well as Ashley and O'Rourke's prudential personalism, and also believe that this kind of mixed ethics 'duty ethics' and 'means-ends ethics' are aimed at directing humanity responses to the good of persons in a community. This kind of ethics can also be called the ethics of 'Genuine Human Realization' (Isiramen and Akhilomen 1998). In prudential personalist ethics; one may determine genuine human goals not based on relativism or subjectivism, but based on the human persons which are patterned to the historical Jesus Christ who is believed to be the highest measure of morality.

The ethical questions people have raised about human cloning exist on several levels. In applying the prudential personalist principle, one may, first of all, determine the humanity of a clone. Others may go further and argue that cloning for any purpose violates Ashley's ethics on some level because a 'manufactured' child or person would be burdened by specific expectations on what kind of human person a clone (child) would become. Admittedly, there must be a profound ethical difference between having a child by natural conception and making a child through cloning (Ashley and O'Rourke 1989; Ottuh 2008). For instance, a child begotten can always be seen as a gift, whereas, a child made or manufactured can always be seen as a 'thing' - a product for use not to be respected for his human uniqueness, but could be priced for what it can do (MacDonagh 1975; Ottuh 2020). However, others have rejected the argument that just because a person is a clone, he or she would not be treated and loved as any other human person would be treated.

The ethical question here is that whether one should treat a clone as a normal human person or whether a clone meets certain criteria used in evaluating the idea of a human person. Biologically, the origin of human life is another human life (Ottuh 2020).

This means life proceeds from another life through natural conception or reproduction. Given the aforementioned, human cloning is artificial, thus attracting the potentiality of putting a clone into the realm of a sub-human, hence a cloned person can be subjected to unfair expectations. How would a prudential personalist judge the action of a couple involved or who contemplates cloning to have children?

For instance, people might deem it ethical or prudential for a couple at risk of bearing children with a genetic disorder to clone one of the healthy parents. But would it be ethical for a couple to clone a child simply because the father desired a genetic replica of such child? Again, would it be ethical for parents to take cells from a child who died suddenly in an accident and clone them for 'replacement' since that second child could be subjected to unfair expectations? Next, would society have any right to intrude on the reproductive decisions of couples and individuals by imposing any restrictions on cloning? Here, a definition of human needs will give answers to these questions especially from the context of prudential personalist ethics. In this sense, the definition of human needs gives an empirical overview of what a human person is.


Human needs are not merely static facts but are goals to be achieved. Hence, they become values, that is, goods to be desired. To attain these needs there must be an interplay of human intelligence, freedom, and creativity. In this sense, human needs become a value system. In this wise, ethical decisions are always taken within the context of some value system. Judging the phenomenon of human cloning within the context of prudential personalist ethics, the value systems of others must be taken into account. In support of this view, the prudential personalist ethics prompt one to think in terms of the consequences of any action for the good of the person and the community involved, but it evaluates these consequences in terms of needs and purposes which have been established not by subjective preference, nor more by abstract Laws but the constitution of the human person in its individual and communal dynamism.

At this juncture, the fact should be clearly stated, that the ethical issue involved in human cloning should not be whether it is ethical to clone humans, but whether human cloning is ethical in improving the quality of human life or to create human life. One fact remains, that is, every human person has the ethical, biological, and sociological rights to be disposed to the usage of his or her freedom. This too is a gift from God considered in their totality as a system of needs and genetically inherent requirements of life becoming genuinely obligatory because humans need to be themselves and to achieve self-realization. Viewing human cloning from its ethical-communal perspective, the technology may not find favor in prudential personalist ethics.

CONCLUSION

It is agreed in this paper that diverse issues are facing medical ethicists and religious groups in contemporary times, such as advances in cloning technology, new knowledge of the human brain, and the wealth of genetic data.

Perhaps no event in biotechnology has caused more uproar and bioethical discussion than the cloning of Dolly the Sheep in 1997 hence today clinical studies continue to present bioethical challenges. A critical look at cloning shows possible significant effects on developing research in the sense of cloning for commercial purposes to improve humanity through genetic manipulation. Although these achievements and benefits may not be the first of new technology, it certainly has that potential. Human cloning taps into our vivid fears about the reproduction of evil beings for evil purposes. Cloning humans is a stock issue for science fiction. And indeed some of the scenarios that could be imagined are all quite awful, for instance cloning a copy of oneself that will serve as 'spare parts.'

The insurmountable moral problem with that scenario is that one's clone would be a person, not just one's property. In this sense, one could no more justify taking his or her vital organs than demanding the same from one's identical twins. In grasping the relevance of prudential personalist ethics as an ethical underlying model, the sanctity and respect for human life is a *sine-qua-non*. Using the prudential personalist ethics to appraise the morality of human cloning reveals that every human life has worth hence its commodification amounts to an aberration. This ethical-theological principle conceives human life solely as a part of the human community pursuing communal goals. Therefore, cloning human beings (especially, human reproductive cloning) negates respect for human life, human dignity, and the communal goals of the human community. 

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THE NATURE OF THE ENGAGEMENT OF THE UNITED STATES IN THE SYRIAN CRISIS: A THEMATIC ANALYSIS

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Abstract: *The complications of the Syrian crisis that has extended over six years are overseen on three distinct levels which are national, topographical, and global. A closer look at the situation in Syria in 2010/2011 will help explain why the regime has survived, the complexities of the situation in Syria, and what makes the search for a stable political settlement so difficult. The purpose of the present study is to highlight the nature of US engagement in the Syrian crisis which involves maintaining the US military presence for regional stability, ensuring the enduring defeat of ISIS, countering the future expansion of the Iranian influence and political settlement to the conflict, containing the Assad's regime in the interim. By outlining various threats, issues, assessing the Syrian conflict and its key actors, this paper seeks to explain the US response to the Syrian crisis on basis of thematic analysis. In conclusion, the United States' foreign policy has continued in a region vital to its national security interests due to available oil, its impetus to protect Israel, to support security by retaining military bases, to preserve the position of the protectorate of client states, and friendly regimes, and to resist Islamic movements and terrorism.*

Keywords: *Foreign Policy; Syrian Crisis; US Engagement; ISIS; Terrorism*

INTRODUCTION

Syria has seen anti-government demonstrations erupt. Similar protests in the Middle East as a result of the Arab Spring-inspired these demonstrations. The Assad regime reacted violently to the peaceful demonstrations, exacerbating the situation. He used the security and intelligence services to disperse rallies and marches, often with live fire, and to apprehend dissidents (Khan and Khan 2017). Despite expectations, the Syrian system has withstood tireless pressing factors and surge from abroad for almost five years. A closer look at the situation in Syria in 2010/2011 will help explain why the regime has survived, the complexities of the situation in Syria, and what makes a stable political settlement so difficult (Ottaway 2015). Figure 1 shows that the areas of influence under Syrian opposition forces were significantly decreased between the years 2017 and 2020.

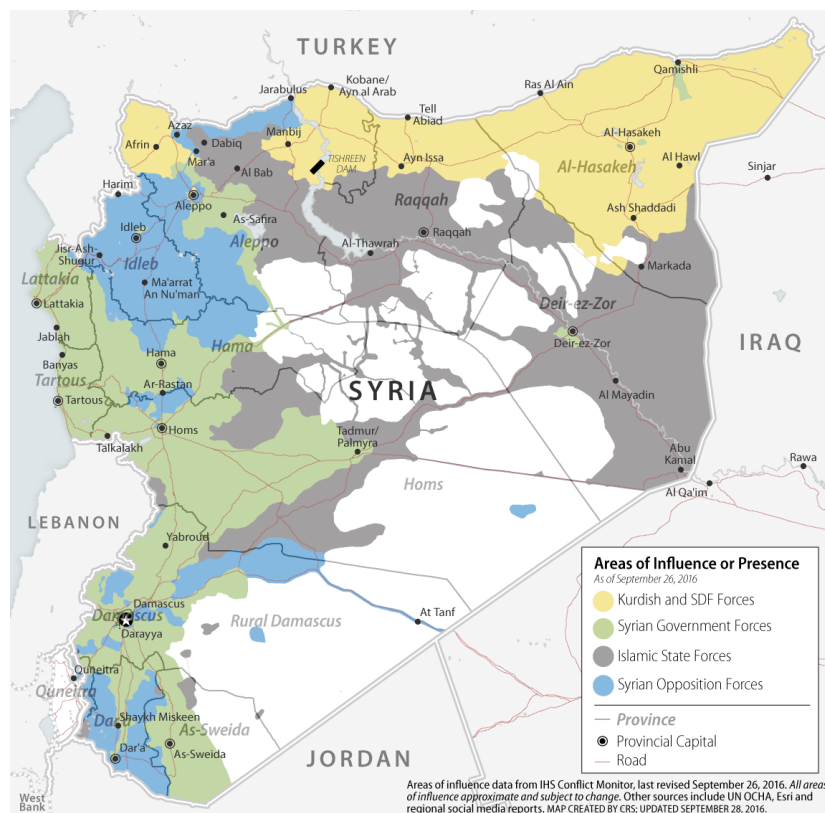


Figure 1: Areas of Influence or Presence (Source: Humud, Blanchard and Nikitin 2016)

The complication of the Syrian emergency that has extended over six years doesn't appear to be resolute at that present time or near future. It was overseen on three distinct levels which were national, topographical, and global (Rabinovich 2017).

CONFLICT DIMENSIONS

Domestic Dimensions

The Syrian civil conflict started in March 2011 in the southern city of Dera'a, roused by the Arab Spring which started a couple of months sooner in Tunisia and had shaken the establishment of a few Bedouin systems. The emergency could presumably have been contained had Bashar al-Assad and his lieutenants reacted gently and astutely to the underlying exhibits. All things being equal, they decided to subdue the dissent ruthlessly also, set off a steadily extending pattern of brutality that very soon turned into an undeniable common conflict. At the center of that war are various complaints against a bad and tyrannical system, generally significant of which is the Arab Sunni dominant part's refusal to acknowledge Alawite authority.

The Alawites establish 12 percent of the province's populace and as a branch of Shiite Islam is not seen by traditionalist Sunnis as legitimate Muslims (Dostal 2014).

Regional Dimensions

Iran partakes straightforwardly in the common conflict and has utilized its Lebanese intermediary, Hezbollah, as a primary battling power as Bashar al-Assad's military has deteriorated in the course of the last not many a long time. Iran has additionally dispatched Syria Shiite warriors from Iraq and Afghanistan. Saudi Arabia doesn't take an interest straightforwardly in the battling however like different Sunni states it upholds a few resistance bunches with cash and weapons. Iran has extremely high stakes in the Syrian emergency. Under Bashar al-Assad, the Iranian-Syrian relationship has been changed from organization and partnership to reliance. As the Syrian common conflict heightened and the risk to the system's presence has developed, Iran had to expand its interest in Syria. It couldn't examine the possibility of losing its Syrian base, let alone of Syria going under Western or traditionalist Bedouin impact. On schedule, Iran and its intermediaries have assumed control over a huge part of the battle (Berti 2015).

Global Dimensions

With the flare-up of the common conflict in Syria, Russia's help for Bashar al-Assad was discretionary. With China's assistance, it obstructed all moves in the Security Council coordinated against the system and its monstrosities. In the fall of 2015, Putin pushed ahead by choosing to mediate militarily in request to save al-Assad from military loss and dispatch its flying corps and air protection frameworks to northern Syria (Liff and Ikenberry 2014).

The Obama administration made plans to stay away from the 'no-fly zone' and different types of political associations in Syria. In 2011, the greater part of President Obama's senior helpers upheld the production of 'no-fly zone' or 'safe zones' and different types of inclusion, yet the president ruled against it (Manyin *et al.* 2012). The Syrian common conflict has also exacerbated the crisis presented to Europe by rushes of displaced people from African and Middle Eastern nations (Byman and Speakman 2016).

OBJECTIVES OF THE STUDY

The objectives of the present study are to provide a thematic analysis of US engagement in the Syrian crisis. The nature of US involvement and influence in Syrian conflicts is categorically divided into features like involves maintaining the US military presence for regional stability, ensuring the enduring defeat of ISIS, countering the

future expansion of the Iranian influence and political settlement to the conflict, containing the al-Assad regime in the interim.

THE NATURE OF US ENGAGEMENT IN THE SYRIAN CRISIS

Maintaining US Military Presence in Regional Stability

The US is profoundly associated with wars that must be succeeded at the common military level, and where understanding the profound inside divisions and strains of the host country, and the pressing factors from outside states, are basic. Up until now, the United States has neglected to perceive the sheer size of the common issues it faces in leading military activities. It has neglected to comprehend the requirements to complete unrest in common military issues if it is to be fruitful in battling fizzled state wars that include significant counterinsurgency missions and dependence on have country powers. The US military job in Syria is a key for example, and it outlines plainly that any military exertion to try not to manage the full outcomes of the common side of a war can be a formula for disappointment (Cordesman 2017). In August 2013, as al-Assad's forces were defending, they used chemical weapons in al-Ghouta, a Damascus suburb (Aboultaif 2016). The West's inability to react quickly to al-Assad's use of synthetic weapons aided the harsh repression of protestors (Eckert 2020). This occurred a few days after Obama's announcement that al-Assad would cross a red line if chemical weapons were used (Kfir 2016).

After US and UN investigators confirmed Syrian gas use, president Obama considered a military strike to act as a deterrent and a roadblock to Assad's use of chemical weapons (Kaphle 2014). Obama went to Congress to seek approval for a military strike. Before the vote, Russia negotiated a deal that allowed Syria to hand over its chemical weapons. On 21 September 2013, Syria agreed to its demands and handed over information about its chemical weapons to the UN, effectively putting an end to the threat of Western attacks (Escritt 2013). As indicated by certain examiners, the US international interests in the Middle East are to control the production and exchange of oil and gas items around there and to guarantee the assurance of ethnic and strict confinement Israel around there. That is the reason the US doesn't need an entire Syria that represents a danger to Israel's security. Since 2012, military and monetary help have been given to a few resistance powers around there. In 2016, the US set up an army installation in al-Tanf, close to the Iraq and Jordan line. At this base, the assailants of 'Megavir al-Tavra' were prepared by the US military. In 2012, the Kurdish People's Defense Unity (KPDU), a neighborhood Kurdish gathering in Syria, which has developed altogether with the assistance of the United States, has assumed responsibility for the northeastern pieces of the country.

The United States has detailed that they have been furnished Kurds against ISIS warriors in Syria (Oner, Durmaz-Drinkwater, and Grant 2020). For a long time, the US and its allies have been fighting the Islamic State in northwest Syria, attempting to cut off the group's access to the Turkish border and advance toward Raqqa, the group's proclaimed capital. Islamic State power over the purported 'Manbij Pocket' the territory limited by Azaz in the west, the Turkish boundary in the north, al-Bab toward the south, and the Euphrates stream toward the east (Figure 2) filled in as the excess association point for the Islamic State to the rest of the world and gave a key stockpile and unfamiliar contender travel course (Erich and Chomsky 2014).

On 17 September 2016, US military officials announced that they had halted a strike in eastern Syria after learning from Russia that the vehicles and personnel targeted were potentially vital to the Syrian military. According to Syrian and Russian officials, Syrian soldiers were killed and another 100 were injured in the attacks. Russia convened a Security Council crisis meeting to discuss the incident, which is the first time that US forces have been linked to the Syrian military since the country's dynamic activities began in September 2014 (Fischer 2014). However, despite their usefulness, these findings do not provide insight into how the fate of Syria's renowned US allies, the Syrian Kurds, could be simplified when enforcing the current foreign policy that aims to avoid direct military interference. It's also worth noting that the preceding findings contribute to an interpretation of possible reasons for the United States' withdrawal from Syria, however, fails to uncover any of the incidents that could have contributed to the country's previous ignorance of the crisis (Phillips 2016).

Psychological injustice and revolutionary fanaticism are both dangerous. Regardless of ISIS' defeat, psychological warfare also has a long way to go. Under the guise of jihad, revolutionary revolutionaries train warriors. The brain science of radicalism can be traced back to the Gulf War when most Middle Eastern countries were enraged by the US's successful contribution. Jihadism resurfaced to save the Muslim world from Western invaders. From one point of view, an individual's, a family's, and a state's vulnerability led to a decision based on unconstitutional coercion and fanaticism. On the other hand, the unsteady world of politics provides fertile ground for psychological oppression to develop. Revolutionary fanatics and oppressors motivated by fear are then ready to use religion as a political tool to achieve their goals. They have killed and wounded a large number of ordinary people and US troopers (Rasheed 2021).

Ensure the Enduring Defeat of ISIS

The emergence of ISIS and the active position of Kurdish power has influenced the depth of the US goal and dedication to maintaining the state structure in the region as defined by physical borders drawn a century ago. Although the US has long been

concerned about the Arab Gulf states 'chequebook diplomacy',¹ it is only now that these states are using military force on their own, even in ways that are uncoordinated with their conventional security guarantor (Mueller *et al.* 2017). According to estimates, the so-called Islamic State has lost roughly 45 percent of its territory in Iraq and 10% in Syria (Kozaric 2017). Such major increases in military missions, in particular, are critical in reducing ISIS' ability to exercise complete control over its membership base, as well as its ability to finance itself unrestrictedly through the sale of oil, objects, slaves, and the burdening and coercion of money-related installments from its daily citizen population (Speckhard and Yayla 2016). Recently, US authorities have announced a significant decrease in the number of foreign warriors traveling to Iraq and Syria from 2000 to 500 per month, with some estimates falling as low as 200 (Kozaric 2017).

For more than 50 years, the United States has had a political, economic, and military relationship with the Central East (Altunışık 2013). Despite the public's fatigue with the dispute and growing support for a fantastic restriction strategy, direct US involvement in the district will continue in the foreseeable future. Regardless of the difficulties in recognizing (not to mention seeking after and accomplishing), the United States has numerous center interests in the Middle East, including the 'least bad option' in the Syrian popular conflict, the Israeli-Palestinian conflict, and the unwelcome tension between promoting democratization and power. These include preventing the rise of a local hegemon, nuclear expansion, and large-scale terrorist attacks on the region, as well as ensuring access to oil and the safety of provincial partners (Altunışık 2013).

These vested interests serve as a backdrop to the most serious regional threat to emerge in recent years: ISIS, or the Islamic State of Iraq and Syria. Fortunately, ISIS poses little threat to the United States' most vital territorial interests, such as preventing the rise of a provincial hegemon and the proliferation of nuclear weapons. The bad news is that ISIS poses a significant threat to some other US interests, including the stability of local allies and the prevention of psychological militant attacks (Nance 2016). Intelligence analysts came to know that ISIS has three faces, but somehow ISIS is at the same time is a rebel group, a state government, and an innovator association. Understanding and beating any one of these individuals is thought-provoking; efficiently addressing all three at once is almost dreadful given the tensions in main concern and strategies among them. The task turns out to be much more troublesome given that the US is far superior positioned to overcome a few parts of ISIS than others. The underestimation of ISIS will in this way require a multilateral, multi-stage exertion across various fronts: a conflict of bombs, a conflict of administration, what's more, a conflict of thoughts. I offer a progression of strategy suggestions for how these three isolated battles can be sought after in reciprocal style, instead of in detachment or

¹ 'Chequebook diplomacy' is a foreign policy which openly uses economic aid and investment between countries in bilateral relationships order to carry out diplomatic favors.

inconsistency (Hüppi *et al.* 2016). Overcoming ISIS as a state necessitates something more than simply removing them from the control of the country. To ensure that the 'Islamic State' does not return and is not welcomed by people in the pounded provinces, competitive authority must be involved and won. Local governments must meet residents' basic needs, such as safety and transportation, as well as necessities such as employment, health care, and schools. The most important thing is that they should make civilians feel secure in this country, regardless of whether they are a minority ethnic or religious group. If governments fail to offer basic rights and need to citizens, affected people will become more vulnerable to extremist groups like ISIS, which promises safe streets, free schools, and an end to fraud in exchange for increased restrictions on liberty (Krause 2018).

In any case, the US can and should set the tone by offering political, financial, and military assistance to help authorize power-sharing arrangements both within and between Middle Eastern countries. The most significant obstacles to quality, systemic administration in the region are fights between gatherings and states over the circulation of assets and power. The US should provide momentum and international pressure to help territorial states enter and develop agreements that ensure that all ethnic and religious networks have a seat at the table and a stake in the region. They can also collaborate with key allies like Saudi Arabia, Turkey, and Egypt, as well as key adversaries like Russia and Iran, to develop concrete concessions to handle global knowledge exchange and authoritative reaches. Conflicts and conflicts will continue, but the costs of endless intermediary wars that do little but strengthen a widespread threat like ISIS should encourage these interactions to move toward a more secure territorial appeal (Silverstone 2018).

ISIS can be defeated, but only with strong provincial alliances and if the war isn't entwined with larger initiatives of foreign-imposed regime change and democratization, which have had a bleak history and a bleak future. The secret to defeating ISIS is to recognize and recognize its three faces, as well as to exploit the vulnerabilities that such a dynamic organization poses (Blumenthal 2020).

Counter the Future Expansion of Iranian Influence

Iran has been able to formalize and expand Shi'a unfamiliar warrior organizations all over the region as a result of the conflicts in Syria and Iraq. Shi'a assailants from Syria, Lebanon, and Iraq are transforming into a 'Hezbollah-style' organization loyal to Iran and ready to fight alongside Iranian soldiers and guides. The Afghan and Pakistani Khomeinist networks were then converted to include a large number of candidates for use as stun troops in war zones spanning the Middle East and South Asia (Daraghi 2017). The Obama administration's Presidential Policy Guidance (PPG) paper, titled 'Methodology for Approving Direct Action outside the United States and Spaces of

Active Hostilities', outlined a plan for strikes outside of spaces of complex challenges, which include Afghanistan, Iraq, Syria, and a few Libyan spaces for short periods. Jones (2017), described the White House Deputies Committee meetings were crucial for obtaining approval for such assaults regularly.

In either case, groups like ISIS have become increasingly decentralized and adaptable, requiring the US to be equally efficient and adaptable. The fall of oil costs from mid-June 2014 (60% tumble from the pinnacle cost) contrarily influenced the Iranian oil industry (Farzanegan and Parvari 2014). The low costs couldn't make it workable for the nation to profit from the extension of oil sends out after the atomic understanding, however much the benefit would have been under before conditions. Saudi Arabia, the philosophical and international adversary of Iran, applies a huge impact on the cost of oil and the lasting low-value level serves the interest of the Kingdom against Tehran (Farzanegan and Parvari 2014). Without tremendous fare earnings, it makes the homegrown capital amassing unthinkable, along these lines hindering the recuperation of the Iranian hydrocarbon area) Because in the post-sanctions era the Iranian government has not delivered the expected high economic results yet (Davig *et al.* 2015). The leadership has been facing criticism from the proponents of the political and economic isolation of Iran.

To resolve the existing shortcomings and potential dangers in the Iranian hydrocarbon sector, the Iranian government must make improvements to the infrastructural foundation and institutional foundation of oil and gas companies, as well as address the global impact on these critical areas. When in doubt, Iran should take advantage of its current qualities and anticipated freedoms to fully solve domestic and global oil and gas problems (Dudlák 2018).

Iran appears to be making strides toward greater energy success. Somehow recently, there is a reasonable shift from the philosophical contemplations to a more sober-minded methodology in the administration of the Iranian economy and the essential assets. Under these conditions, building trust is fundamental, however, it is a more extended interaction by its temperament. This suffering change in Iran may be a great feature of how a shut economy wealthy in hydrocarbon assets can change its philosophical also, political design bit by bit from the inside. Outside influences, in addition to internal practices, continue to play a significant role in this period of transition, and in this context, the global community's responsibility to support Iran's reformist plan is crucial. In light of everything, it merits keeping just the lower assumptions concerning the impending creation blast of the Iranian hydrocarbon industry has suffered. Because of external market proclivities (low oil value, oversupply on the horizon) and inward reallocation of monetary capital. Practically speaking, it implies that both the augmentation of fare limit and the contribution of worldwide organizations will happen in a continuous, managed way, wherein every one of the interests of significant Iranian political and monetary partners will be thought of among

the invested individuals, the most plausible situation proposes a sluggish and ceaseless change in the Islamic Republic's oil and gas industries (Dudlák 2018).

Political Settlement of the Conflict in the Assad's Regime

Syria's civil war is now in its seventh year, with a wide range of public and international events. Critically, no group is in a position to take control of the entire world. This document contains recommendations for efforts at stabilization. There is a growing recognition that the Assad regime cannot be overthrown and that efforts to find a diplomatic solution should take this into account. The focus has shifted to methods for reducing conflict and planning for reform talks (Heydemann 2020).

The Syrian dispute is a multi-layered one involving multiple entertainers, rather than a war between two gatherings. There are threats between various Syrian resistance gatherings (eminently conservatives and radicals), with the Kurds, with Islamic State, and between fanatic gatherings (ISIL just as there is a 'key' struggle between the al-Assad regime and Syrian resistance gatherings, with the Kurds, with the Islamic State, between fanatic groups (including ISIL and Jabhat al-Nusra), and an intermediary fight between Russia, Iran, and Hezbollah, which support the al-Assad regime, and the West, which sponsors' moderate resistance groups. Saudi Arabia, the United Arab Emirates, Qatar, and Turkey are also included, supporting various Syrian resistance groups, including fanatic gatherings – the first two nations are primarily moving fanatic gatherings in the south, while the third and fourth nations are primarily moving fanatic gatherings in the north (Pawlak 2017).

Iran is adamant about preserving the regime, fearing that al-Assad's removal would lead to parallel efforts in Iran to destabilize the Islamic Republic (Jenkins 2013; Kodmani 2015). Iran would also lose a major ally in the area. Iran has pressed Hezbollah to assist Syria's army, much as it has gathered Shi'a volunteers in Iraq and Lebanon.

The West is reluctant to provide generous military assistance to opposition groups for fear of Assad being replaced by a radical Islamist government and advanced weapons falling into the hands of radical groups and being used to attack the West (Jenkins 2013; Kodmani 2015). The dispute has disintegrated government institutions, including the nation's outfitted powers, which have been replaced by a web of increasingly self-governing neighborhood elements. A majority of the volunteer forces fighting to protect the regime are not under direct government supervision (Jenkins 2013). This has implications for any potential settlement, as there are several independent military and criminal gatherings, regardless of whether the military is killed.

The EU made remarks like "President Assad must step aside to allow a political transition to take place in Syria" from August 18th to the end of 2012 (Turkmani and Haid, 2016). As a result, for Russia, the tradeoffs associated with power-sharing are distinct from those associated with the power distribution regime of Bashar al-Assad.

The United Nations Security Council adopted Resolution 2254 on 18 December 2015, which alludes to a temporary administering body but also calls for “sound, inclusive, and nonsectarian administration”, the drafting of a new constitution, and UN-managed decisions. The UN is secretly de-emphasizing aggressive conflicts about how to decode temporary language acquired in 2012 by shifting focus to coincidental political courses of action, thus opening the possibility of a peaceful relationship that allows al-Assad to stay in power (Lund 2017).


There are huge schisms over the al-Assad regime, with some (such as the Syrian opposition, the US, the EU, and most Arab states) demanding his removal and others (such as Iran and Russia) finding the structure to be equally essential. So far, finding a reasonable middle ground on al-Assad’s future has proven difficult. There appears to be growing recognition, based on rationality, of the al-Assad regime’s continued presence among global partners. Nonetheless, as Kodmani points out, “there is a difference between maintaining Assad and his system as is, and maintaining Assad and his system as is, on the one side, and keeping Assad in control for a limited time before his flight can be booked as part of a pre-planned popularity-driven loop based on sacred components, on the other” (Ibrahim 2017).

It was determined that al-Assad could not consolidate his authority over the entire country, and given the disparities in positions of anti- and pro-government forces on a variety of issues, it is unclear if Syria can be safeguarded in its current form. Future efforts at post-conflict reconstruction in Syria may be based on the simple assumption that ‘Syria’ no longer has a political substance that can be resurrected in any meaningful form (Tuck 2016). Whatever the case may be, the disintegration or secession of Syria poses a significant threat to the Middle East’s overall power. The agreement could now include maintaining Syria’s current structure along with significant political and monetary decentralization, as well as a special status for Kurdish areas (however this last point could confront resistance from Turkey) (Zaarour 2018).

CONCLUSION

The economic and political presence of the United States in the Middle East constituency before, during, and after World War I and World War II aids in understanding how the United States developed itself in the region and what its goals were following its manifestation. The current article also emphasizes the US critical interests in the Middle East, including ensuring deliberate access to oil in the Gulf region, promoting and defending Israel’s supremacy, maintaining US military bases, securing client-states and supportive regimes, and combating Islamic movements, and terrorist organizations. The synthesis of research based on this literature review shows that the United States foreign policy has continued in a region vital to its national security interests due to available oil, its impetus to protect Israel, to support security by

retaining military bases, to preserve the position of the protectorate of client states and friendly regimes, and to resist Islamic movements and terrorism. These five forces have pushed US decision-makers to take control of the area, and they continue to be essential to the US today.

Students and scholars of international affairs need to consider the history of the Middle East importance, as well as insight into the motivations and desires of American decision-makers, to influence and establish policy (Al Sarhan 2017). 

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RUSSIA AND COVID-19: RUSSIAN ADAPTIVE AUTHORITARIANISM DURING THE PANDEMIC

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Abstract: *This paper explores Russia's response to Covid-19, with a focus on its implications for political freedoms and human rights across the country. It investigates the relationship between the pandemic and reinforcing authoritarianism in Russia. This paper is an in-depth case analysis that uses policy analysis and process tracing to examine Russia's response to Covid-19 and its effects on Russian domestic politics. The study concludes that the Russian authorities have considerably abused Covid-19-related restrictive measures, not least through curtailing the freedom of assembly and expression. In doing so the Russian authorities have conveniently shielded themselves from mass protests amid constitutional amendments and upcoming legislative elections. Nevertheless, while the authoritarian practices that the Kremlin resorted to during the pandemic are not much different from those of other authoritarian regimes, they proved insufficient in curbing anti-regime dissent. This study inquires into the political repercussions of crisis management in authoritarian regimes and concludes that their authoritarian reactions lead to further crackdowns on civil liberties and political freedoms.*

Keywords: *Russia; Covid-19; Crisis Management; Constitutional Amendments; Human Rights; Political Freedoms; Repression*

INTRODUCTION

Excessive and disproportionate use of emergency powers and restrictions on political freedoms have raised concerns that "Covid-19 is infecting democracy itself" (Maerz *et al.* 2020). Along with devastating public health systems, and causing lockdowns of nations, the Covid-19 pandemic has posed formidable challenges to human rights worldwide. A well-informed observer notes that with a gratuitous toll being inflicted on democracy, civil liberties, fundamental freedoms, healthcare ethics, and human dignity, this has the potential to unleash humanitarian crises no less devastating than Covid-19 in the long run (Thompson 2020). Thus, one of the biggest questions regarding the political implications of the pandemic involves explaining the extent to which governments have violated democratic standards in their response to Covid-19.

Notably, Bieber (2020) identifies four main aspects that might be shaped by the pandemic. These include the rise of nationalism and authoritarianism, along with deglobalization and the politics of fear (Bieber 2020).

Russia has been heavily affected by the outbreak of the pandemic, with over 7,140,070 cases reported so far (Worldometer 2021). A question arises as to how the pandemic has influenced the political landscape of Russia - notorious for authoritarian and illiberal practices. A quick look at international human rights watchdogs shows a considerable decline in political freedoms and human rights across the country during the pandemic. This picture has much to do with the 'fraudulent constitutional referendum' held in 2020 and the 'unjust imprisonment' and 'attempted assassination' of opposition leader Aleksei Navalny. The pandemic-induced extraordinary times allowed the Kremlin to abuse the restrictive measures, while tightening its grip on the Russian society on the eve of the parliamentary elections of September 2021.

Not surprisingly, while consolidating their authoritarian practices, not least through limiting the freedom of expression, the Russian authorities would invoke as justification the need to fight Covid-19. In effect, political freedoms have been further compromised along with the Russian authorities' attempts at marginalizing pro-Navalny opposition groups. This paper specifically explores the adaptation of Russian authoritarianism to the pandemic, with a focus on its implications for political freedoms and human rights across the country.

CONSTITUTIONAL AMENDMENTS IN THE LIGHT OF COVID-19

Even before the outbreak of the Covid-19, the Russian political landscape underwent some changes, driven by the Russian President's insatiable desire to further solidify his power. The dismissal of Prime Minister Medvedev in mid-January 2020 was aptly regarded as a "necessity to ensure the president's freedom in 'renewing' Russia's political system and attempting to spur the return of real income growth" (Nations in Transit 2021). Medvedev's dismissal coincided with the president's address to the nation on the necessity for constitutional amendments. Initiated by Putin with his annual presidential speech (Presidential Address 2020), the 1993 Constitution underwent amendments and got tailored to President's long-term political goals.

In March 2020, the parliament approved a constitutional reform that removes the two consecutive term limits on Russia's presidency, thus allowing President Putin to remain in office after the end of his presidential term in 2024 (Teague 2020, 1). Following a postponement due to the Covid-19, an all-Russian vote took place from 25 June to 1 July 2020. The voters were asked to answer the following question: "Do you approve the amendments to the Constitution of the Russian Federation?". According to the official data provided by the Central Electoral Commission of the Russian Federation, 78 percent of the voters casting a valid vote answered 'Yes' and 22% answered 'No', with

a turnout of 68 percent (CEC of the RF). Pomeranz (2021) notes, that in the process a flawed but forward-looking document has been stripped of much of its liberal potential and instead been transformed into a more traditional top-down system of governance (Pomeranz 2021, 1). Constitutional amendments have not been limited to presidential term limits. Rather, they have introduced a new power vertical (the unified system of public power) with a stronger presidency, and a weaker judiciary, while further downgrading Russia's civil liberties (Pomeranz 2021, 1).

In March 2021, the Venice Commission adopted an opinion on Russia's constitutional amendments. While noting that constitutional amendments introduced several positive changes, it also underlined several flaws in the substance of the amendments and the procedure of its adoption. Concerning the substance of the amendments, the Commission concluded that they have disproportionately strengthened the position of the President and have done away with some of the checks and balances originally envisaged by the Constitution. As for the procedure of the adoption of the amendments, the Commission noted that the speed of the preparation of such wide-ranging amendments was inappropriate for the depth of the amendments considering their societal impact (Venice Commission 2021).

Arguably, the pandemic allowed the Kremlin to prevent protesters from taking the streets due to lockdown-related restrictions. According to OVD-Info - a local human rights observer, on March 12, at least 16 people were arrested in at least five cities across Russia for peacefully protesting or planning to attend a protest against the proposed constitutional amendments. Most of the protests were held as one-person pickets, which is the only form of spontaneous street protest permissible under Russian law (Amnesty International, 2020). The opposition 'No!' campaign had applied to hold the protest but the mayor's office refused, citing the need to prevent the spread of the virus that causes Covid-19 (HRW 2020). In response, the organizers reduced the expected number of attendees to below 5,000, but the city authorities still banned the rally. Meanwhile, other mass gatherings, and particularly those organized by the local authorities themselves, were not affected by the new restrictions and were allowed to take place (Amnesty International 2020). Thus, the restrictive measures were abused to suppress dissent amid constitutional amendments.

POLITICAL FREEDOMS DURING THE PANDEMIC

In terms of freedom of assembly, it is necessary to note that while there are certain reasonable restrictions on mass gatherings during a pandemic, it has not been uncommon for Russian authorities to misuse and abuse restrictions. This is consistent with the ways that the Kremlin has sought to silence dissident voices and exert unlimited control over the society while invoking as justification the need to fight the pandemic.

In the light of the public health emergency, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and association stated that “states’ responses to Covid-19 threat should not halt freedoms of assembly and association” and that while “restrictions based on public health concerns are justified (...) it is imperative the crisis not be used as a pretext to suppress rights in general or the rights to freedom of peaceful assembly (...) in particular” (UN HR Office of the High Commissioner 2020).

Russians’ right to peaceful assembly is enshrined not only in the country’s constitution, but also in Russia’s OSCE commitments, the Universal Declaration of Human Rights, and its international obligations under the International Covenant on Civil and Political Rights. According to Human Rights Watch (2021), at least 83 governments worldwide have used pandemics to justify violating the exercise of free speech and peaceful assembly. Authorities have attacked, detained, prosecuted, and in some cases killed critics, broken up peaceful protests, closed media outlets, and enacted laws criminalizing speech that they claim threatens public health. Among the victims are primarily journalists, activists, healthcare workers, political opposition groups, and others who have criticized government responses to the coronavirus (HRW 2021a).

In March 2020, the Russian authorities resorted to taking restrictive measures with the view to preventing the spread of Covid-19. The authorities gradually banned all mass gatherings. Police would invariably interfere with single-person protests, which do not require approval, while quite often referring to the social distancing and mandatory mask regime even when protesters wore masks (HRW 2021b). In May 2020, the Parliament increased the penalties under article 212.1 that regulate public gatherings. The Investigative Committee used the updated code in July to file charges against Yulia Galiamina, a member of the Moscow city council and vocal critic of Putin, for participating in several protests. In December, a Moscow court sentenced Galiamina to a two-year suspended sentence for posting information on social media and taking part in a peaceful public assembly (Freedom in the World 2021). In response to massive arrests of more than 100 people in Moscow and Saint Petersburg against constitutional changes, CE Commissioner for Human Rights called on the Russian authorities “to overhaul legislation and practice governing freedom of assembly and expression, including in the context of the pandemic, to align them with European human rights standards” (Commissioner for Human Rights 2020). The Commissioner restated that the sanitary restrictions introduced to fight the Covid-19 pandemic cannot be used to unduly limit human rights and freedoms (Commissioner for Human Rights 2020). While other restrictions were gradually reduced through the summer of 2020 and the authorities permitted officially brokered mass outdoor festivals, peaceful protests remained mostly outlawed. Essentially, the mounting public discontent with the Kremlin has prompted the latter into adopting a strategy of all-out repression to keep its firm grip on power.

Not surprisingly, civil society, independent media, and political opposition have all witnessed the shift in the repressive nature of the state in 2021 (Nations in Transit 2021). The alleged poisoning of the opposition leader Alexei Navalny in August 2020 and his arrest upon returning to Russia in January 2021 triggered large-scale protests amid Covid-19. This has sparked one of the largest anti-government protests since 2011. In a video address recorded at the police station, Navalny called on his supporters to take to the streets. Mass-protests started on 23 January after his team's call for coordinated protests and the release of the film *Putin's Palace*, i.e. a Russian documentary film made by jailed Kremlin critic Navalny alleging that Vladimir Putin is the ultimate owner of an opulent palace, something the president denies (Reuters 2021).

The Russian authorities stated that they would deny any requests from Navalny's supporters to hold protests because of the pandemic-related ban on public assemblies imposed in Moscow. Similar statements have been issued in several other cities across Russia, referring to pandemic restrictions or noncompliance with the minimum 10-day advance notification rule. The head of Navalny's Moscow team headquarters stated that there was no point in seeking official authorizations for protests because they would not be authorized. In response to Navalny's supporters' attempts at mobilizing protesters through social media, the Russian authorities launched a massive crackdown on social media activism. Namely, the prosecutor's general's office demanded that social media companies restrict access to "illegal information" online (HRW 2021c).

Anti-government protests, that continued in February and March, led to police violence and mass arrests. According to Amnesty International (2021), during the first three protests more than 11,000 people were arrested, an unprecedented number even in Russia where dissent is routinely silenced. More than 100 criminal cases have been opened against protesters. Most have been charged with violence against police officers, with 12 prominent activists facing charges on the grounds of "breaching Covid-19 sanitary restrictions by calling for the protests" (Amnesty International 2021).

The protests reached their peak on April 21 due to Navalny's health deterioration in prison. According to Human Rights Watch (2021) "there was less police violence and brutality on 21 April compared with the January and February pro-Navalny protests, but the authorities' continued clampdown on freedom of assembly is wholly unjustified (...)" (HRW 2021d). The Russian authorities referred to restrictions imposed due to the Covid-19 pandemic (Ria Novosti 2021). Meanwhile, restrictions did not prevent pro-government events from taking place, such as the anniversary of Crimea's occupation in Moscow (HRW 2021d).

Beyond this, on 9 June, a Moscow court ruled that Navalny's Anti-Corruption Foundation (FBK) and his nationwide network of political activists should be designated 'extremist'; a move that has been largely regarded as part of a Kremlin campaign to silence opposition on the eve of upcoming parliamentary elections (Financial Times 2021). The Court's decision came a few days after Putin signed into force a law that

banned the members or supporters of 'extremist organizations' from participating in national elections (Financial Times 2021). The US State Department condemned the court's ruling, stating that "Russia has effectively criminalized one of the country's few remaining independent political movements" (The US State Department 2021).

Moreover, there was a reference to the fact that it was not uncommon for the Russian authorities to have labeled groups 'extremist' to stigmatize supporters and justify abuses against them. In 2017, the Jehovah's Witnesses were designated an 'extremist' organization, effectively criminalizing the exercise of their peaceful religious practices' (The US State Department 2021). Essentially, Russian authorities stop at nothing to marginalize pro-Navalny activists and prevent them from entering into the parliament.

Moreover, the Kremlin's crackdown on the governor of Khabarovsk Sergei Furgal is indicative of the frictions between the central and local governments. Governor Sergei Furgal, a member of the opposition Liberal Democratic Party was arrested on suspicion of his complicity in the murder of entrepreneur Aleksandr Smol'skiy along with two other business figures in 2005–2006. The arrest was widely seen as part of the Kremlin's plan to remove a governor with considerable local support and the potential to challenge Putin's party in the region (Nations in Transit 2021). In September 2018, Furgal won Khabarovsk gubernatorial election, beating the incumbent from the United Russia party. Meanwhile, Furgal's arrest provided a fertile ground for having him dismissed. The city's residents rallied in support of Furgal, demanding his release and the transfer of the investigation from the capital back to Khabarovsk. Moreover, they were joined by residents in other cities in the region (HRW 2020). During the protests, civil society faced mounting state repression coupled with pandemic-related restrictions. Nevertheless, the ability of local groups to sustain public pressure on officials - whether on matters of democratic governance or, more commonly, on local and municipal issues - was notable (Nations in Transit 2021).

As regards 'freedom of expression', it has been equally restricted on public health grounds. Despite the constitutional provisions on freedom of expression, vague laws on extremism grant the authorities a great deal of discretion to silence dissident voices, not least through controlling media narrative on politically sensitive issues. A handful of independent outlets, that are still operating, are mostly either online or were forced to move headquarters abroad (Freedom in the World 2021). Not surprisingly, the pandemic has adversely affected independent reporting, with media outlets finding themselves under constant pressure emanating from the Kremlin. The Russian authorities constricted freedom of speech by adopting a national law to stop the spread of fake news on Covid-19. On 1 April 2020, amendments to the so-called 'fake news' law, first passed in 2019, criminalized the dissemination of "knowingly false information about circumstances posing a threat to the lives and security of citizens and/or about the government's actions to protect the population" (Amnesty International 2020).

Individuals face up to five years' imprisonment if the dissemination of information leads to bodily harm or death, with hefty fines for the media (Amnesty International 2021). On 22 April 2020, Russia's Supreme Court specified that the punishments also apply to people who not only use mass media and telecommunication networks but also speak at meetings, rallies, distribute leaflets and hang posters. Within three months, according to one estimate, authorities opened at least 170 administrative and 42 criminal cases for allegedly spreading false information online about Covid-19 (HRW 2021a). That said, the pandemic provided a convenient 'legal framework' to the Kremlin to further limit media freedoms and silence dissident voices.

INTERNATIONAL RESPONSE TO THE 'AUTHORITARIAN PANDEMIC' IN RUSSIA

The Kremlin's abuses of the pandemic-related restrictions have been largely condemned by the international community. The constitutional amendments have been regarded as "controversial" (Freedom in the World 2021) and "fraudulent" (Nations in Transit 2021) aimed at extending the rule of President Putin and establishing absolute control: "Russian authorities' repressive and desperate attempts to silence anyone who challenges Vladimir Putin's grip on power are an affront to the Russian people, who are demanding accountability for the corruption pervading the entire political system" (Nations in Transit 2021), said director of Europe and Eurasia programs at Freedom House.

Dozens of countries called on releasing Navalny and framed his imprisonment as unlawful (Reuters 2021). The G7 Foreign Ministers and the High Representative of the European Union issued a joint statement on the arrest of Navalny, where they expressed deep concern about the "detention of thousands of peaceful protesters and journalists" (EEAS 2021) and called upon Russia "to adhere to its national and international obligations and release those detained arbitrarily for exercising their right of peaceful assembly" (EEAS 2021). Moreover, Biden's administration has taken a harder stance towards President Putin than his predecessor Donald Trump. Sanctions have been imposed on seven senior Russian officials and 14 entities involved in chemical and biological production. Under the sanctions, the assets of the officials in the US were frozen (BBC 2021).

In a coordinated move, in March 2021, the European Council decided to impose restrictions on four Russian high-ranking officials (the head of Russia's investigative committee, the Prosecutor-general, the Head of the national guard, and the Head of the Federal Prison Service) responsible for serious human rights violations, including arbitrary detentions, suppression of dissent, etc. This became the first example of the EU imposing sanctions in the framework of the new EU Global Human Rights Sanctions Regime - established in December 2020 (Council of the EU 2021). The sanctions regime enables the EU to target those responsible for acts such as genocide, crimes against

humanity, and other serious human rights violations or abuses. The restrictive measures consist of a travel ban and asset freeze (Council of the EU 2021).

Overall, while the Russian authorities have taken advantage of the pandemic-related restrictions to smoothly carry out constitutional changes and suppress anti-government dissent, mass pro-Navalny protests, along with those in support of Khabarovsk governor are testaments of resilience and growing strength of the Russian civil society. Not surprisingly, despite the pandemic, the repressive actions of the Russian authorities have been met with dissenting reactions, supported by the international community's condemnations of the Kremlin's abuses.

CONCLUSION

The pandemic-induced extraordinary times allowed the Kremlin to abuse the restrictive measures, while tightening its grip on the Russian society on the eve of the parliamentary elections of September 2021. The Russian authorities 'made the most' of the pandemic-related restrictions to smoothly carry out constitutional changes and suppress pro-Navalny protests.

In effect, the long list of human rights violations during the pandemic, includes brutal suppression of peaceful protests, arbitrary detentions, along the Kremlin's excessive crackdown on freedom of expression. Nevertheless, despite the pandemic, the repressive actions of the Russian authorities have been met with dissenting reactions, thus speaking to the growing maturity and resilience of the Russian civil society. Overall, while the authoritarian practices that the Kremlin resorted to during the pandemic are not much different from those of other authoritarian regimes, they were insufficient in curbing anti-regime dissent. Further research is essential to exploring the Kremlin's responses to the advancement of Russian civil society. 🌐

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EGYPT-TURKEY RELATIONS TOWARDS LIBYA: POLITICAL AND ECONOMIC DIMENSIONS

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Abstract: *Egypt and Turkey makeup about half of the whole population of the Middle East and are the two leading nations in the eastern Mediterranean, including Iran as a whole. Both countries are now recognized as the two most tremendous modern military forces in the Middle East. Besides, Cairo and Ankara are major Muslim centers: the Al-Azhar Mosque in Egypt is the largest Islamic University in the world and a significant feature of Egyptian soft power; the historical association between Turkey and the last Islamic Caliphate is viewed in the region with great nostalgia. Given these similarities, a deep rivalry between the two countries exists around the world, while Ankara and Cairo have increasingly prevented overt aggression or conflicts. After the Arab Spring, tensions have intensified and, in effect, impacts Libya, Sudan, and the Eastern Mediterranean region. Along with the increased risk of an overt war between the two nations, the rivalry between Turkey and Egypt also challenges the delicate security of the Middle East. It indicates that it needs an international mediator to answer this thorny problem.*

Keywords: *Turkey; Libya; Egypt; Political Dimensions; Economic Dimensions*

INTRODUCTION

Following Gaddafi's removal in October 2011, there was an immediate leadership vacuum that led to extensive violence, a refugee crisis, and increased tribal conflicts, as well as economic instability and social welfare collapse. Libya is fractured, polarized, and insecure today. It is a failed state in many ways without a unified representative and lawful government capable of exercising authority or monopolizing the use of force. To establish a complete settlement between different factions in Libya, the country's political and security situation is extremely complex. Libya's political spectrum was split in two by the 2014 civil war: the UN-backed Government of National Accord (GNA) and its opposition in the country's eastern part. Khalifa Haftar, leader of the self-styled Libyan National Army (LNA) from the Eastern region, launched an offensive to seize Tripoli from the internationally recognized government. There have been more conflicts since Haftar took control of the capital. An important contributing element to Libya's

political fragmentation and polarization has been the meddling of international powers. Political or regional interests of other countries have been a constant aspect of the post-revolutionary conflict. Recently, the Turkish approach to Libya has been mostly value-driven. Turkish involvement in Libya's conflict has increased since Gaddafi's administration fell. An important backer of the GNA is Turkey.

The GNA's recent progress against Khalifa Haftar's so-called Libyan National Army (LNA) has changed the course of the Libyan civil war since June 2020 (Alimi *et al.* 2016). They and their international supporters have yet to come up with a persuasive diplomatic approach. Mistrust between Turkey and Egypt is a major hurdle to diplomatic progress. To reach a diplomatic agreement that can end Libya's civil war, both parties must be on board. A unilateral solution to Libya's problem is not an option for either country. It's no secret that both Ankara and Cairo (two major Muslim centers in Egypt) are at odds with one another.

While both Egypt and Turkey are aware of and recognize each other's interests and vulnerabilities in the Libya issue, none party fully understands or respects the others. Instead, they see the other's viewpoint as a hindrance to the realization of their essential national security and economic objectives. Turkish-Egyptian rifts make it possible for sabotage to take place (Alimi *et al.* 2016).

The Egyptian side wanted to offer a military response concerning the Libyan Civil War with the leadership position of a strong man. They felt they should usher in Haftar as the next Moammar Gaddafi from Libya with assistance from France, the United Arab Emirates, Saudi Arabia, Russia, and the USA (Parchami 2012). They intended to more conveniently smash the Islamist groups in Libya and establish a down-grading authority through a general with secular credentials. But the Haftar paradigm in Libya crashed over the last few weeks, and Haftar was not an asset but a liability for the Egyptian side of the region. Haftar was not adequately powerful, wise, or capable to peacefully lead Libya. He was diminished in reputation by his most recent actions against the denials of Libya's diplomatic accord, attacks on GNA-controlled civilian installations, and war crimes. Haftar's alleged Medkhali Salafis are not moderate actors and are funded by Saudi Arabia and the United Arab Emirates (UAE).

Parchami (2012) asserts that the Medkhali Salafis committed horrific human rights abuses in Tarhuna and in other areas where they had a significant impact. Haftar's partnership with the Medkhalis runs counter to the secular model that is often used to justify him. It is not appropriate for Egypt to sponsor Warlord Haftar with support and motivation from the UAE and other allies. Haftar is a warlord and terrorist who committed war crimes in Libya. In an international inquiry, his foreign partners will also be investigated (Chase 2016). A mutual agreement between Egypt and Turkey would protect the interests of both countries in the East Mediterranean. The deal with Greece and the Greek Cypriot government is not aligned with Egypt's Eastern Mediterranean

long-term interests. Similar to that between Libya and Turkey, maritime demarcation arrangements between Turkey and Egypt will support the interests of both parties.

Turkey and Egypt can have some political differences, and leadership differences may have adverse effects on relations, but productive discussion on the lower level is not stopped. The geographical ground and the profound cultural and historical ties between the two countries are not more important than ideological differences. The long-term interests of Egypt will bring even greater Turkish-Egyptian partnership than Cairo's current alliance with Abu Dhabi and Riyadh (Beck *n.d.*). The aspirations of Saudi and Emirates lead to chaos in Yemen. Specifically, Saudi Arabia, in particular, was an unpleasant experience. Disagreements and competition between Turkey and Egypt raise the susceptibility of Libya to international intervention. Both countries should break up their ties and progress in the areas of common interest. Turkey and Egypt have continued to continue to strengthen their economic relations amid geopolitical tensions (Alimi *et al.* 2016). This enduring friendship between the two countries avoided further degradation in the trading field. There are also substantial business and trade opportunities with Egypt. There are no gaps between the two countries on social and cultural grounds. Egypt is worried about Turkey's Muslim Fraternity ties, but it does not have any purpose, through the Muslim Brotherhood (MB), to shape Egyptian domestic policy.

Now is the best time for Turkey and Egypt to split and move on, at least in the Libyan view. Libya could be more a bridge than a hurdle to improving Ankara-Cairo relations (Parchami 2012). The Libyan players themselves determine the finishing line in the civil war in Libya, but the mutual understanding between Turkey and Egypt will play a crucial part in building diplomacy.

PROBLEM STATEMENT

Egypt's regime, under President Abdel Fattah Al-Sisi, declared the Muslim Brotherhood a terrorist group that has taken dozens of its members to prison and self-exile in Turkey, Qatar, and Western Europe, following the 2013 ousting of Egyptian Mohamed Morsi, backed by a Muslim Brotherhood. After the crackdown, the expelled members also had an impact on Egypt. The new Egyptian administration itself is of considerable concern. Egypt's support of the GNA, and in particular, many influential persons has been firmly impelled by the Libyan branch of the MB and the LNA. President Al-Sisi expressed fear that MB voices in the GNA are a significant danger to national security in Egypt as the MB may use Libya's proximity to Egypt to conduct resistance campaigns around the Egyptian region. The GNA's new president Khaled Al-Mashiri said that his presidency was a significant concern. The LNA support from Egypt has led to a proxy war with Turkey that supports GNA through military consultants, troops, intelligence, and air support. It is also possible to trace this proxy war back to the

opposition of Turkey's President Erdogan to the ouster of former President Morsi and his government. Turkey has publicly supported President el-Sissi's rule, thus improving the once warm ties between both nations. Turkey provides the influential MB leaders of Egypt with a haven. Egypt has assisted with all kinds, including but not limited to, the LNA's preparation and the start of operations in western Egypt, especially at the beginning of the conflict. Cheap Libyan oil was also a significant source of funding for the LNA in Egypt. As the LNA governs eastern Libya's oil-rich fields, it has become clear that Egypt has provided oil at a reduced pace in return for funding from the LNA. In this regard, this project sought to investigate the Egypt-Turkey relations in Libya by clearly analyzing the economic and political dimensions.

LIMITATIONS

Two main limitations limited the breadth and scale of this research. First, there is a general shortage of objective evidence from the previous studies related to this topic that might have helped to identify the research gap. Although there are many references, most do not have the Egyptian perspective and are restricted to a specific period or event. Finally, the revolution's complexity makes many aspiring authors and academics hesitant for reputation reasons to write on the issue. All these factors generate confusion and ambiguity in science in the preparation of solid materials and draw conclusions based on stringent experimental processes.

DELIMITATIONS

Three delimitations are applicable in addition to the limitations set out in the previous paragraphs. First of all, the study is unclassified. Secondly, the study will concentrate mainly on the EAF's role in the revolution. It will offer comprehensive insights into the transitional political structure by paying particular emphasis to the Muslim Brotherhood. Finally, the study gives a philosophical view. This perspective includes the thoughts of the author and does not reflect the official policy or plan of the Egyptian government or the Entity Armed Forces (EAF).

METHODOLOGY

The majority of the study technique is based on reading and analyzing the Turkish foreign policy process in the Middle East through an examination of a group of options, which is known as 'forecasting' or 'scenario analysis', as well as other methods of analysis. The scenario analysis is the most important method of predicting the future; nevertheless, this research does not present a single image of expectations or scenarios but rather presents many dynamic choices for the future of Turkish and Egyptian foreign

policy in the next years. Consequently, a descriptive analysis of Turkish and Egyptian foreign policy, which is based on the idea of shared interest, can be used to determine the range of probable outcomes for any scenario under consideration.

The study of each scenario may be utilized for 'extrapolation of the past', which means that it will rely on historical data or information and conclude that it will be used to foretell the future. In addition, the research attempts to examine all of the prospective improvements in Turkish and Egyptian foreign policy that may be made in international relations. In the end, the scenario analysis has often authorized several scenarios through 'scenario analysis', which illustrates the potential repercussions in the future and has concluded the most likely scenario.

THEORETICAL REVIEW

The Roots of the Libyan Crisis

Libya had entirely different conditions in 2011 from Tunisia and Egypt. While the Libyan people, along with their excellent economic success, were ruled by an autocratic leadership, the bulk of the country had a relatively small population. The oil and gas industry has been able to absorb the majority of the country's qualified staff, which allows the rest to profit. A structure of allegiance developed over the years by alliances, nepotism, and money ensured tight political and security restrictions allowed President Muammar Gaddafi to retain power for an extraordinarily long time (Davutoglu 2013).

In the 1980s and 1990s, Gaddafi avoided battles with the United States and slowly established relations with the West and in Congo. In Libya, in 2011, there were no major clandestine resistance movements as the mainstream conflict was limited to a few people in the diaspora (Parchami 2012). Nobody predicted a Benghazi uprising or revolt in 2011 when Libya was considered to be one of the region's most prosperous nations. The outbreak of abuse in Cyrenaica's cities has shaken most of the countries of Europe, and that's why they have sent vague and misleading tweets.

Even Gaddafi was stunned and puzzled at the beginning of the 2000s; he was accepted as a victorious head of state, venerated by Europeans and supported by the US (Mezran 2012). Nevertheless, it soon became apparent that something different from merely revolting and more nuanced than mere local insubordination was occurring in the eastern territory of Cyrenaica. At the beginning of the coordinated action sequence, the presence of a vast volume of guns and ammunition and appearance at the ground level of a range of objectives showed the appearance of a strategy, inconsistent with a little upheaval. Another central element is the swift responses of some European governments, especially those of France and Britain, which almost universally embraced anti-government positions.

Massive worldwide media reporting started transmitting an account of the Libyan situation, primarily based on the concept of brutal government response to a nonviolent public rebellion. The primary source of this report is the Qatari-based Al-Jazeera news network that has pioneered the systematization of photos of violence, chaos, anger, and death, persuading Europeans of Gaddafi's genocide to ensure his continued influence and rights (Al-Jazeera 2011). Many of the news reports that were shared regularly with western families explain how Gaddafi's air force targeted populated cities indiscriminately, killing thousands of civilian victims. The story was that it needed to be halted at all costs with the help of the international community (Krauss 2011).

A hesitant NATO and much more hesitant the US then embarked on a brief but comprehensive campaign directed at Libya's governmental properties on the ground, killed the local air force, prevented Benghazi from becoming loyalist. Gaddafi's defenses rapidly were damaged by the bombing, finally leaving the capital, a refuge in Sirte, his born place, and his tribal origins (Mezran 2014). Gaddafi finally was assassinated when he moved from one position to another quickly and refused to surrender to an opponent he didn't even know (Shanker and Schmitt 2011).

Egypt-Turkey Relations

Egypt's effort to form a national defense alliance against Turkey was heavily stressed in recent media reports. This relation is the latest episode of strained relations between both countries, which have been experiencing hostile ties since summer 2013, following General Abdel-Fattah Al-Sisi's military *coup d'état*, which has ousted late Mohamed Morsi from control. To establish the so-called 'defense coalition' that would be against Turkish involvement in the country, Abbas Kamel, Egypt's head of intelligence, has met with his counterparts in northern African countries. Egyptian and Libyan reports also confirm that "Egypt has formed an army commando force with Libyan activists to avoid Turkish ships from supplying assistance for Tripoli's internationally recognized government" (Alessia 2021; Omar 2014). These diplomatic and military tensions between Egypt and Turkey have many consequences for the Middle East and North Africa's peace and defense. Egypt's relations with Turkey have deteriorated considerably since the Egyptian coup in 2013. Turkish President Erdogan condemned and took over Morsi's followers, especially the Muslim Brotherhood, for the ousting of President Morsi. President Sisi, on his part, considers Turkey as a regional enemy and does not acknowledge its growing position and influence, especially in Libya and the Eastern Mediterranean. In the run-up to 2013, Turkey and Egypt had good and increasing ties, particularly in the aftermath of the Egyptian uprising in 2011 when their economic and geostrategic relationship was reinforced in both countries. Turkey interacted with the January 2011 Cairo - and the Arab Spring in general - revolt as a means of increasing its control in the region. It tried to create an alliance with new

powers in Egypt, Morocco, Tunisia, and elsewhere, primarily with Islamists, in a geostrategic way that contradicted Ankara in the regional status quo.

The Turkish-Egyptian relations started to get worse after the breakdown of Egypt's transformation and the re-emergence there of the so-called 'deep state'. President Erdogan became very critical of the post-*coup* regime and endorsed the anti-*coup* demonstrations led by the Muslim Brotherhood after the Rabaa massacre of 2013, which involved the killing of hundreds of peaceful protestors by Egyptian police. Egypt recalled the ambassador to Turkey in August 2013, not unexpectedly. A couple of months later, the Turkish ambassador to the world was expelled from Cairo, and President Erdogan responded angrily, saying that "he would never honor those who come to power by military coups" (Christopher 2016).

THE GEOPOLITICAL INCENTIVE

Turkey has a significant regional presence in its geographical location, one which has traditionally enabled the growth of the Ottoman Empire. It is a predominantly Eurasian country in the Middle East and the Caspian Basin, bordered by states of Europe, Asia, the Near East, and the Black Sea. The strategic role of Turkey makes itself a stable political, economic, and cultural force that can serve as an initiator in development, a global peace hub, and a facilitator for the incremental extension of democratic values.

Egypt, as well, played a crucial part in world affairs, with its geographically unique geopolitical location. Based in North Africa, across the Nile River, Egypt wants adequate diplomatic relations with a variety of countries on the international level, with a diverse position at the center of the African, Arabs, and Islamic spheres (Nasser 1952, 51) and its immense geographical, commercial, and cultural significance. Furthermore, its Sinai crossroads connect Africa to Asia. Egypt is like "the center of the world, the great highway of nations", as defined by Alfred Milner (1899) - Under-Secretary of Finance from 1869–1892, and many foreign economies depend on it to conduct an export trade (Milner 1899).

Ideological Animosity or Geostrategic Rivalry?

Several factors, such as geography, culture, economy, history, natural capital, economic growth, and special interests, typically direct and influence foreign policy. This animosity is a mixture of all these considerations in the case of Turkey and Egypt (Cafiero and Wagner 2019). Both countries have a long past heritage, national identity, geostrategic value, and sincere ambition for global influence and are regarded as central players in the Middle East. Over the past couple of decades, Turkey's foreign policy has changed its emphasis from Europe and the Middle East, notably after it failed to join the European Union by engaging in its long-standing relationship with the region.

Since the Arab Spring, however, the geographical position of Turkey has created fears and doubts among Arab authoritarian regimes, which, despite Erdogan's support for Arab Islamists, have begun to view Ankara as a strategic and ideological challenge to them. Such anxieties worsened as Turkey backed the Muslim Brotherhood after Morsi was ousted from office in 2013. While some observers prefer to look at his Islamist neighbors in terms of Erdogan's foreign policy against the Arab world, the battle between Turkey and its regional rivals, and especially Egypt in particular, is not to be overlooked nor underestimated. He was celebrated in the Arab streets and welcomed before the Arab Spring in the city's capital cities for his stance toward Israel and Iran, with his Islamic background in full recognition. Thus, political as well as strategic discrepancies may clarify the rivalry between Turkey and Egypt.

Key Differences

The relations between Egypt and Turkey are characterized by three main issues, especially after Sisi (Abdel Fattah Saeed Hussein Khalil el-Sisi), came to power as president of Egypt in 2014. Firstly, each country's geographical position and impact. Although Turkey views the Arab Middle East as the backyard in which power and control are wielded, Sisi thinks that the Turkish situation is a source of chaos and uncertainty. This inherent difference in their approach to foreign policy helps to identify and form the attitude of both countries to each other and the entire world.

Furthermore, President Sisi's rise to power was combined with a patriotic nationalist feeling regarding the ancient presence of his country in the Arab world. Despite its lack of economic and financial capabilities, it seeks to rebuild the role and image of Egypt.

The competition between Cairo and Ankara can be seen in two regional issues, at least: Libya and the East Mediterranean. In Libya, it was General Khalifa Haftar, a leading backer of the warlord, who has launched a military campaign against the official, UN-recognized National Accord Government (GNA) headquartered in Tripoli. Turkey's decision to send GNA military and logistical assistance escalated tensions with Egypt, which formally condemned the Turkish campaign and cautioned that "Turkey should have full responsibility for its effects", which would have a "significant impact on the security of the Mediterranean area" (Aylin 2014).

The second issue involves the discovery of vast natural gas deposits in the Eastern Mediterranean region, adding fuel to the tensions that remain between Egypt and Turkey. In 2015, Egypt found massive natural gas reserves in Eastern Mediterranean waters. It started to use them to exploit Turkey economically and geostrategically, to establish relations with Turkey's antagonists in the Mediterranean, namely, Greece and Cyprus. Turkey has omitted Cyprus, Israel, Greece, Jordan, Palestinian, and Italy, as well as Egypt from this newly formed eastern Mediterranean gas forum (EMGF) in 2019.

The EMGF is intended to increase the production of natural gas in the region and to establish a national energy market capable of exporting gas to Europe.

Turkey's exit from this forum was further proof of the region's increasing conflict, despite its geostrategic importance and interests in the Eastern Mediterranean. Egypt then vehemently opposed Turkey and told the United Nations Security Council to revoke it when it signed the security and maritime deal to the GNA. According to the agreement with the GNO of Libya, the naval warships in Turkey will exploit gas reserves in the eastern Mediterranean and ruin the ambitions of the EMGF.

The third issue that defines relations between Egypt and Turkey is the Egypt-Gulf Alliance, particularly between Saudi Arabia and the United Arab Emirates. Over the last couple of years, tensions have risen among Turkey, Saudi Arabia, Saudi Arabia, and the UAE. After a brief period of fiscal, military, and trade cooperation from 2011 to 2015, the relationship between both parties was characterized by growing mistrust and conflict.

Three key developments have intensified these strains: the aftermath of the Erdogan *coup* attempt in July 2016, the Qatar boycott starting in June 2017, and in October 2018, Saudi journalist Jamal Khashoggi was assassinated at the Saudi consulate in Istanbul. Indeed, some analysts refer to the role of Emirates in the attempt of *coup d'état* against Erdogan. However, Saudi Arabia, the UAE, Bahrain, and Egypt blockaded Qatar, which now hosts a Turkish military base, resulting in closer diplomatic ties with Qatar. The anti-Turkish feeling in the blocking countries has increased with this growth.

Finally, the assassination of the Khashoggi raised tensions toward Saudi Arabia, a significant friend and supporter of the Sisi regime. The three countries (Egypt, Saudi Arabia, and the UAE) reinforced the anti-Turkey Coalition; as this Coalition grows, the more intense the feelings of hostility spread towards Turkey. A significant role in the dispute with Sisi's regime is Turkish support for Egypt's political oppositions, especially the Muslim Brotherhood. Turkey offered the Muslim Brotherhood founders and leaders asylum after the *coup* in 2013.

Besides, it also allows free operation and transmission from Istanbul of the anti-Sisi media networks. Turkish actions threaten the government of Sisi, accusing Turkey of funding Egyptian extremism and instability. In fact, in reaction to the deal with the Libyan GNA in Turkey, Egyptian Parliamentarians last January called for the boycott of Turkish goods. At a fundamental level, Turkey must give up supporting the Brotherhood for the normalization of relations with Egypt. Egypt made it known when its Foreign Affairs Ministry declared in 2016 that it "is ready to normalize its relations with Turkey provided it recognized the validity of the overthrow of power from former President Mohamed Morsi" (Khalil Al-anani 2020). This was after Binali Yıldırım, former Prime Minister of Turkey, indicated that the "normalization of Egypt is probable" (Daily Sabah 2021). Ironically, their economic relations have evolved dramatically over the past couple of years, given the political tensions between Turkey and Egypt. According to the study of Egyptian-Turkish trade "Egypt and Turkey set the trade record of bilateral exports

between the two countries in 2018: 3,05 billion dollars in Turkish exports to Egypt, up 29,4% from 2017 and 2,19 billion dollars for Egyptian exports to Turkey, an increase of 9,68% over the same period" (Rami 2019).

However, while some Egyptian parliamentarians have called for its annulment, the FTA concluded in 2005 remains unchanged. Nevertheless, despite the tough economic circumstances facing his country, Sisi is keen to preserve trade relations with Turkey.

IMPLICATIONS FOR THE REGION

Egypt and Turkey have enormous consequences for global security and stability as per their diplomatic split. Firstly, regional rivalries and more tensions have increased among the major players in the region. Turkey has immersed itself in nearly all of the Arab wars and hot areas, including Syria, Yemen, Libya, and the Gulf, over the past couple of years. Furthermore, these tensions of relations between Egypt and Turkey have redefined the rules of the game in a world that has formed new alliances and replaced the leading countries with the current confrontation map. While Egypt builds a strong partnership with Saudi Arabia and the UAE, Turkey has become Qatar's major strategically; after the 2017 blockade of Qatar, tensions within the Gulf have been steadily escalating. For the first time in the history of the Region, Israel was included in the alliance between Egypt, Saudi Arabia, and the United Arab States. Within this new alliance, Israel has helped to steer the flow of hostility against others, including Iran and Turkey. The world today is primarily separated into two groups: on the one hand, Egypt, Saudi Arabia, the United Arab Emirates, and Israel, and on the other, Turkey, Iran, and Qatar. Those two parties are disputing the area in different ways, and the tensions between the two sides are strengthened as the Coalition within each block strengthens.

Third, the troubled countries like Iraq, Libya, and Palestine have been intensified in Egypt-Turkey tensions. The growing position and involvement of Turkey in this area have generated problems with Arab governments who aim to counterbalance Turkey's presence at all costs in the region. To this end, the anti-Turkey powers in their countries provide massive military, economic and political assistance.

RESULTS AND DISCUSSIONS

Results

The study found out that the latest Turkish forces' military withdrawal from the western part of the country in Libya and Libya National Army (LNA) General Halifa Haftar has provided a new balance in the conflict. It may well be a moment of watching over Libya, mainly because of the so-called Cairo Declaration of June 6, 2020, Egypt, the United Arab Emirates, and Russia may reconsider their sponsorship of Haftar and make a potential agreement on Libya. Haftar is losing domestically and internationally - inside

his powers to Egypt and the United Arab Emirates - to the extent, nobody is going to be betting on it again. Within this dynamic situation, neighboring Egypt, which strengthened Haftar since 2014, will play a significant new part in safeguarding its particular interests abroad and in Libya. Egypt's internal security and political integrity are significantly challenging to the situation in Libya. In the process of Cairo's strategic alignment and funding for the War of Haftar against the Tripoli's State, the National Agreement (GNA) became a significant geopolitical concern since 2013, supported by Turkey and Qatar. This dispute has been of great geopolitical significance for Cairo.

Egyptian President Abdel Fattah Al-Binali Yıldırım Sisi never concealed his support for a military solution to Haftar, a strongman of Libya's East, and the so-called LNA, following numerous efforts to appear as a mediator in the conflict - as was the case during the unsuccessful meeting held in Kairo in February 2017. In turn, the region is at the forefront of Egyptian interests, as the asymmetrical menace along the 1,115 kilometers long boundary between the two countries is steadily sought after to control and secure. Over the past few years, Egypt's efforts have taken several steps to secure the vulnerable borders and deter dangerous jihadi infiltration into Egypt from the East. This ideology is focused on guaranteeing the deployment of field armies in a counter-terrorism mission and the start of a significant military campaign called Rad 24 in the West area close to the Siloam check-point. An emphasis has been put on the security of the North of Sinai. This strategic area has suffered numerous attacks by Wilayat Sinai associated with the Islamic State of Iraq and al-Sham (ISIS).

From Cairo's point of view, a potential spill of conflict could establish a volatile collision of interests with radicalized Muslim Brotherhood factions working both in Eastern Libya and the Western Desert of Egypt.

Recent events in Libya are threatening the unsustainability of Egypt's role. Cairo is based upon the relationship between the UAE and Saudi Arabia. Financial support to the Gulf is crucial for stabilization in Egypt, particularly in the course of a Covid-19 pandemic, which has overwhelmed Egypt's health care system; the number of confirmed cases has risen steadily, with more than 1000 infections a day since May 28, 2020 (Sudarsan 2020). Yet Cairo impatiently sees the inflexibility and low political acuity of the United Arab Emirates and Saudi Arabia in the Middle East as in the Libyan problem.

The rising strains with Turkey, which is now Tripoli's biggest ally, make the game more difficult in Libya. Such comparisons emerged from relations that were already deteriorating. Indeed, the two governments are on their way to a confrontation on a multitude of political and economic problems, such as Turkish sponsorship of secular Islam and geo-economic tensions in the Eastern Mediterranean. The establishment of an Eastern Mediterranean gas platform, which is firmly backed by Al-Sisi, threatens not only diminishing the value of Turkey's TANAP and Turkish Stream pipelines but also marginalizing Ankara from investment ventures for the Eastern Mediterranean gas exploitation. President Erdogan responded with his usual harshness to this threat.

Turkey reached on November 27, 2019, and Understanding with the GNA, breaking international law on the delimitation of national waters on the boundary of its respective Commercial Exclusive Zones (EEZ) in the Eastern Mediterranean (Heinz 2021). Ankara agreed to support the struggle against Haftar forces and radicalized the position of Ankara and sparked diplomatic confrontations in Libya and led Ankara to react at all levels - not merely in the energy field (Heinz 2021).

The strained ties between Al-Sisi and Haftar are the most complicating issues in Egypt in Libya. Most recently, in Libya, Egypt, which perceives Libya as a theatre for economic and diplomatic reinforcement, is interested. The weak political and military leadership of Haftar might weaken Egyptian aspirations in this way. Interviews with many non-official Egyptian outlets reveal that Haftar is committed more to his external sponsor's resources than to his leadership skills. Haftar has also disclosed several other explanations for strained relations in his military failure, such as Watiya and Tarhuna and other civil war failures with the GNA. First, Egypt is not happy with the LNA's military operations in western Libya. Second, it is very annoyed with Haftar and its tactical flirtations with Gulf allies in Libyan, particularly in its inconclusive year of siege against Tripoli. Ultimately, the vague approach of Haftar is likely to undermine the reputation of Egypt in its geopolitical vicinity, as well as to jeopardize the hope of an Egyptian foreign policy that is capable of distancing itself from the hegemonies of Saudi-Emirates and Saudi Arabs in the Middle East. So, what do we expect from the dispute?

Russia's latest developments in Libya and multi-faceted Egyptian projects – such as Italy's so-called Cairo Declaration and multi-billion weapons – may contribute to the complexities of that. One could believe Moscow preferred to prevent further intervention in the dispute, but that it will not necessarily allow Haftar to be defeated (McGregor 2018). If the policy of the Kremlin is to take over the mediating power of the potential future negotiations with Turkey, Haftar can become a bargaining pawn outside the internal dynamics of Libya. Their repercussions will have international ramifications, maybe even the Syrian crisis, which, amid co-led diplomatic attempts, still sees Russia and Turkey on the other side.

This might sound like a warning bell to Haftar and her allies, advising them to consolidate their position in the East concerning possible talks with Turkey and the Tripoli administration. The Gulf monarchies, the most committed proponents of the Haftar up to now, should follow the line indicated by Moscow - not involved in pursuing a war that they do not consider as winners. Egypt may, therefore, benefit from the crisis in Haftar and, for the medium term at least, seek to find more trustworthy political alternatives. Besides, Egypt should still see sponsorship of Haftar as a simple short-term option, as appropriate substitutions are not possible. Around the same time, Haftar's assistance is a realistic means to control, from the Egyptian viewpoint to foreign policy, Turkish maritime, and defense assertiveness in Libya and the broader Mediterranean.

Discussion and Normalization

Cooperation between Egypt and Turkey would provide the ability to improve its regional leadership role. Egypt will benefit from the political planning stage from Turkish economic policies aimed at making the budgetary policy more stable, monetary policy was more efficient, and the financial system more confident. Turkey and Egypt should use their roles to jointly establish a national security framework to counter the ongoing terrorist threat that afflicts the Libya crisis. The country will benefit and help restore peace by coordinated joint action through a comprehensive anti-terrorism policy partnership between military, intelligence, law enforcement, and the diplomatic fields.

The joint effort will include the capability of partners, the creation of skilled security forces; internal defense support; and the execution of special operations (Jones 2014). The transformation of Turkey was made possible through the political and economic reforms of the Justice and Development Party (AKP) that resulted in stability and credibility. Since 2002, the state has concentrated on increasing domestic capital spending, foreign direct investment, commerce, and trading partners through its economic, fiscal, and monetary policies (Tolga 2013). Within a more stable environment, both domestic and international business groups will better organize long-term market plans.

Turkey was slowly moved from conventional agriculture to industrial cultivation and more advanced manufacturing, rendering it the ninth largest country in the world, a significant trade partner for the EU, and a center of economic growth.

Turkey also took on a role in transportation from Caspian, Central Asia, the Atlantic, and the Eastern Mediterranean as a conduit and as a power bridge through vast amounts of hydrocarbon supplies to the European Union (Roberts 2004). Turkish aircraft is one of the most congested transit points of fuel in the world with several international and domestic pipelines in addition to the Bosphorus and Dardanelles Straits, averaging 3 million barrels per day. Its central position as a transport center is expected to grow in the coming years, as 70% of the world's oil and natural gas reserves are located in the region (Tolga 2013).


Egypt, on the other hand, has considerable potential for expansion and is one of the most advanced and diversified economies in MENA (UNECA 2013). The Egyptian economy has resumed its operations in most industries, despite the domestic uprisings since the uprisings. The recent, but slowing, growth of 1,4% between 2013 and 2014 (Trading Economics 2014) shows that. Attempts to improve economic growth by improved infrastructure, monetary and fiscal policies are being made continuously.

Dr. Ashraf El-Araby was announcing a comprehensive reform of investment and labor laws to promote foreign direct investment and to enable the setting up of Egyptian SMEs.

In transit flows, Egypt's Suez Canal, completed in 1869, connects the Mediterranean Sea to the Indian Ocean, two main rivers directly, via the Red Sea (McGregor 2006). Egypt plays a vital role in world commerce and economic growth as a gatekeeper between Africa, Asia, and Europe. Today, some 8 percent of container ships worldwide bear containers, fewer than the Panama Channel, into the Suez Channel (Cole 2013). It is expected that this number will increase as the recently planned parallel link to the Canal is finished in 20158 (Farid 2014). More than 2 million barrels of oil are expected to flow through Egypt through the Canal or pipelines (Yazdani 2015). Turkish, French, and American importations of liquefied natural gas were obtained from Suez Canal by almost 25% in 2010, making them a focal point on fuel price and trade stability (Cole 2013). Any future geopolitical disruption that could contribute to the closure of the Suez Canal in Egypt could thus have significant implications for foreign trade, oil supply, and prices. When the demonstrations first began in Egypt on January 25, 2011, for example, oil prices soared to their peak levels since 2008 (Schuman 2011).

CONCLUSION

The crisis in Libya has emerged as a result of a diverse and refined series of trends in which exogenous forces have greatly affected and guided local political activities. In the Euro-Mediterranean and the Inter-Arab divisions, a dual set of competing interests is found, with Italy and Turkey fighting France, with Turkey fighting Great Britain, and Qatar fighting the United Arab Emirates and Saudi Arabia on the one side. A war that was predominantly waged by non-Libyan forces, which ultimately prompted the fall of the central institutions in Libya and the formation of thousands of Local militias, hit Muammar Gaddafi's rule and which undoubtedly was not a paradigm of good governance and respect for human rights. The collapse of both local and exogenous aspirations led to the instability that allowed external forces to affect the Libyan civil war and made the situation rather complex and challenging to address.

Turkey and Egypt could benefit from having access to modern, less conventional markets and hence more significant interaction with the world economy. Ibrahim El-Araby, Vice-President of Cairo Chamber of Commerce, affected that "trade practices in Egypt are having an immediate effect and are a result of the trade levels in the Arab world. In the energy market, Turkey pursued more outlets to meet its rising energy demand because of the rapid social and economic changes. Sustainable development relies on the availability of energy supply and stability" (Omar 2014). The project to move natural gas from Egypt to Turkey through Syria and Jordan has included recent projects. This investment will lead to diversifying Turkish fuels and to improving Egypt as a transport point in the future. 

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CHINA'S BELT AND ROAD INITIATIVE AND GEORGIA: A SHORT OVERVIEW

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Abstract: *Since the beginning of the 2000s, China has embarked on an unprecedented path of economic development, as evidence of which is the largest economic project of the XXI century initiated by the People's Republic of China. The global Belt and Road Initiative announced by the first person of the country, Xi Jinping, is a shortened name of the 'Silk Road Economic Belt' and 'XXI Century Maritime Silk Road'. It covers the Asia-Pacific, Europe, Central Asia, Southeast Asia, West Asia, and Africa and involves more than a hundred countries, international organizations, and leading economic actors. The main participants in the project are China, Mongolia, Russia, Azerbaijan, Belarus, Poland, Germany, the Netherlands, Kazakhstan, Kyrgyzstan, Pakistan, Bangladesh, Iran, and India. The article reviews the role of the Chinese project in a global context. The paper focuses on the role and purpose of Georgia in the Belt and Road Initiative. This study will try to reveal the results for the benefit of Georgia, which is one of the participating countries, and the role of China through research to be made from documents and academic studies on the subject. Georgia tries to conduct its relations with China, as a partner in the project, with a policy of balance without disturbing its relations with the West.*

Keywords: *China; Economy; Belt and Road Initiative; Georgia; US*

INTRODUCTION

At the outset, it is important to note that the term 'Silk Road' belongs to the famous XIX century German scientist, Ferdinand von Richthofen, who first used the word in his work in 1877. From 1868 to 1872, Richthofen traveled to China seven times and made significant contributions to the study of Chinese culture and tradition (Embassy of the Federal Republic of Germany 2015, 4). However, historically, the earliest stages of the ancient 'Great Silk Road' date back to the II century BC. It was a transcontinental trade-caravan route that connected ancient China to the Western civilization. In 130 AD., during the reign of Emperor Wu of the Han dynasty, the 'Silk Road' reached its zenith of development. High-quality Chinese silk (and not only silk) was very popular in Byzantium and Parthia (Sasanian Iran) (Mark 2021).

To control the section of the 'Silk Road' which ran through the Middle East, there were severe conflicts between Byzantium and Parthia, involving Arabs from the VII century and later the Mongols as well (Szostak 2021, 1) (Image 1).



Image 1: Ancient Silk Road Map (Source: Amazing Iran 2021)

From 1453, after the Ottomans conquered Eastern Rome (Byzantine Empire) as a consequence of which the 'Silk Road' gradually lost its significance (Pears 1886, 13). The strong wave of changes in the late Middle Ages further reduced the urgency of the 'Silk Road'. One of the biggest epochs in the history of mankind, known as the 'Great Geographical Discovery' began when the Europeans (primarily the Portuguese and the Spaniards) explored new ocean routes bypassing Africa. A product of these events was colonialism.

At the end of the XIX century and the beginning of the XX century, several projects were proposed by the world's leading players to rebuild the 'Silk Road' over again. In these projects Georgia, along with its natural neighbor Azerbaijan, was undoubtedly perceived. Europe-Caucasus-Asia (TRACECA) Transport Corridor, initiated by the EU in 1993 (TRACECA 2019-2020); INOGATE - initiated by the US Legislature in 1999 (INOATE 2020) and the US Silk Road Strategy Act - approved by the US in 2011 are clear examples of the mentioned (Vekua 2018, 3-4). However, the most effective is the initiative proposed by the President of China, which radically changes the economic balance of power on the Eurasian continent. Obviously, in the new geopolitical reality, parts of the changes are occurring in the South Caucasus region and, consequently, in Georgia as well.

THE GLOBAL SIGNIFICANCE OF THE BELT AND ROAD INITIATIVE IN BRIEF

Xi Jinping's global initiative is a clear example that China eventually deviated from the foreign policy course of Deng Xiaoping, one of the most prominent figures in the country's history, and the initiator of a series of grand reforms, who saw isolation as a key condition for the country's long-term development. In his view, China should have been less involved in 'risky affairs' and should have only focused on strengthening domestic statehood. While there has been controversy in analytical circles over the dimension of the Belt and Road Initiative - economically or geopolitically, Xi Jinping has already been awarded the title of 'Prominent Chinese Leader', along with Mao Zedong, and Deng Xiaoping (Mamradze 2017).

The Belt and Road Initiative, which many scholars even call the 'Marshall Plan of China', aims to create stable zones between the West and the East, develop economic and cultural relations, and establish a new strategy of the balance of power on the Eurasian continent, which is fundamental to peace and prosperity in Eurasia (Sarker, Hossin, and Yin 2018, 623-638). The project has a real opportunity to drastically "change the global economic landscape. It is becoming a major exporter of technology, a World Trade Center, and a major hub for central e-commerce" (Aroshidze 2018, 37). The main directions of the economic zone are:

- North (China-Central Asia-Russia-Europe) - up to the Baltic Sea.
- Central (China-Central and West Asia-Persian Gulf-Mediterranean).
- South (China-Southeast Asia-South Asia-Indian Ocean).
- From Chinese ports - across the South China Sea to the South Pacific.
- From Chinese ports - across the South China Sea to the Indian Ocean. From the Indian Ocean to Europe (Aroshidze 2018, 37) (Image 2).

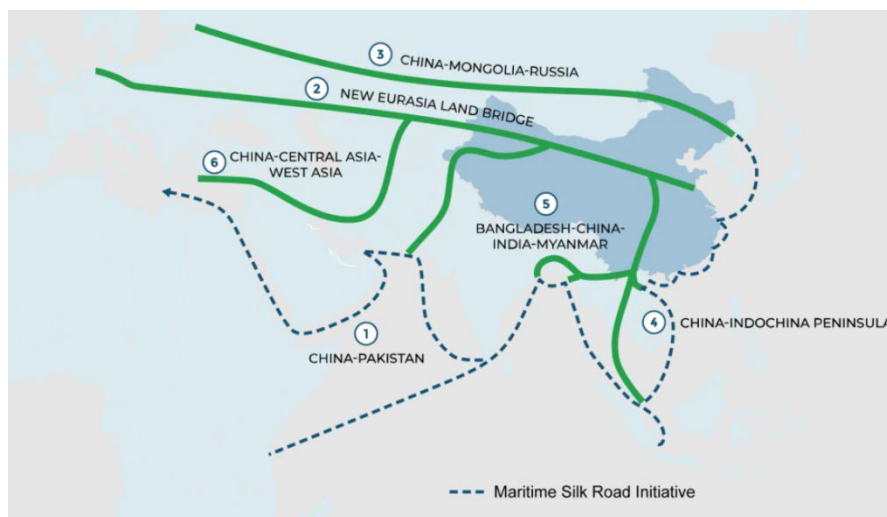


Image 2: Corridors of Power (Source: Standard Chartered 2021)

From the beginning, the 'Silk Road Economic Belt' project had six main directions. These are the New Eurasian Land Bridge, the China-Mongolia-Russia Economic Corridor, the 'Central Asia-West Asia Economic Corridor', the Indochina Economic Corridor, the China-Pakistan Economic Corridor, and the Bangladesh-China Economic Corridor (Papava 2017, 4). Among them, the Georgia-Azerbaijan section (Caucasus Tandem) is represented in the 'Central Asia-West Asia Economic Corridor'. On the other hand, a visible example of a strategic partnership and cooperation between Georgia and Azerbaijan is the 826-kilometer Baku-Tbilisi-Kars railway, which was officially opened on 30 October 2017. It has great geopolitical significance and plays an important role in the functioning of the Belt and Road Initiative (Chitadze 2021). Not only it connects the countries directly involved in the project but also ensures the shipment of cargo from Asia to Europe. It is estimated that by 2034, 17 million tons of cargo will also be possible to be transported by rail. It is not accidental that in the scientific circles the 'Baku-Tbilisi-Kars' railway is also referred to as the 'Iron Silk Road' (Papava 2008, 47).

If we compare the 'Europe-Caucasus-Asia' (TRACECA) transport corridor with the 'Silk Road Economic Belt' - 'Central Asia-West Asia Economic Corridor', we see that there are some fundamental differences between those projects (TRACECA 2019-2020). In addition to the fact that the 'Europe-Caucasus-Asia' project was initiated by the West - in particular, by the European Union, and the 'Central Asia-West Asia Economic Corridor' by the East - in particular, by China, it is clear that the first project is designed for transporting goods and the second is more multifunctional and combines many other areas as well. In the early 2000s, there was a widespread belief in scientific and academic circles that Georgia's function as a transit country would eventually "grow into a complex economic project, contributing to the development of various sectors of the economy" (Papava 2017).

Russian Federation, which was initially considered one of the biggest threats to the project, became a real challenge to the way of implementing the 'Silk Road Economic Belt' project ('Central Asia-West Asia Economic Corridor'). The different visions and interests related to security issues should also be highlighted. For instance, China and Japan are perceived as rivals in the economic context whilst the involvement of India in the project is hampered by the Kashmir conflict. Another impediment to the implementation of the Silk Road is terrorism which itself "poses a threat to human rights, which include the fundamental right to life" (Kiknadze 2007, 51) and remains one of the major problems in the modern world and the most important challenge of international security (Maisaia and Khanjaliashvili 2020, 116; Maisaia 2005, 147). The United States is one of the project's most vocal opponents, whose foreign security strategy names China, Russia, and Iran as its main rivals, while official Beijing, Moscow, and Tehran, in turn, widely spread anti-American narratives and demonize Western institutions.

In response to the Belt and Road Initiative, Russia launched a new project in 2016 – ‘Greater Eurasian Partnership’ as a continuation of the Eurasian Economic Union. If the Eurasian Economic Union consists of Russia, Kazakhstan, Kyrgyzstan, Tajikistan, Armenia, and Belarus, the Greater Eurasian Partnership is a far-reaching and ambitious unification of nations which along the abovementioned countries includes China, India, Iran, and Turkey (Nurgaliyeva 2016, 93-96). From Russia's point of view, such a configuration of countries is a vital task in “balancing the threats posed by the United States and its allies” (Karaganov 2016). From Russia's perspective, the Great Eurasian Partnership is not only an economic project of global significance, but it also has a deep geopolitical and ideological character, as Russia has always played a major role in dominating the Eurasian continent. In his book ‘American Strategy in World Politics’, the author Nicholas J. Spykman argued that Eurasia, including the Bering Sea from the Baltic Sea onwards, is called the ‘Eurasian Rimland’ and that it is the cornerstone of world domination. Spykman formulated Mackinder’s theses of geopolitics as follows: “Who controls the Rimland rules Eurasia, who rules Eurasia controls the destinies of the world” (Gorgiladze 2009, 36).

Although the interests of Moscow and Beijing often strictly oppose each other, they still maintain a competitive and at the same time cooperative nature. Some scholars predict that a positive geopolitical rapprochement between Russia and China over the past few years could lead to the merging of the ‘Silk Road Economic Belt’ and the Eurasian Economic Union. According to some scholars, Chinese Eurasianism has not been observed yet. It is especially interesting to discuss the Chinese project in a theoretical context. It is thought that since the 2000s, both the domestic and foreign policy of the People's Republic of China has been based on the ethical-political doctrine of Confucius, as evidence of which might be considered the words of the Chinese President at the World Peace Forum in 2012. Confucius's basic views, postulates, and philosophical teachings develop the idea that only nonviolent and legal methods could establish peace and stability between the states. He argues that it is important to care for the well-being of not only his nation but also for the people of the world in general. According to Confucius, public order is based solely on the foundations of morality, and true, pure human relations are achieved through humanism, love, and respect.

Thus, one could argue that the traces of Confucianism in modern Chinese foreign policy, which develops the view that the main goal of the Belt and Road Initiative is to build a stable, harmonious economic world. The mentioned view ignores the principles of ‘complex interdependence theory’ formulated by Norman Angel in his ‘Great Illusion’ and developed by Joseph Nye and Robert Keohane (1989, 30-32) as an independent theory of international relations later on. The authors Nye and Keohane concluded that when the balance of economic power between the leading states increases, it might become more of a cause for confrontation than cooperation and cohabitation (Gvalia 2020).

The other scholars go further and believe that China's strong economic prosperity in the XXI century is viewed in a negative prism, as it threatens not only the Eurasian continent but the entire civilized world. According to them, humanity is already facing the threat of Chinese imperialism, which opposes the hegemony of the United States and its universal values (Allison 2017). A clear example of Beijing's rise is its ambitious geopolitical project - the Belt and Road Initiative. The mentioned opinion is shared by the Turkish scientist A. Erol who believes that the implementation of the Belt and Road Initiative will "create a kind of hegemony of Chinese culture in the world" (Erol 2021).

THE BELT AND ROAD INITIATIVE AND GEORGIA

Georgia is a small country in the South Caucasus region. It is bounded to the West by the Black Sea, to the North by Russian Federation. To the South, the country shares borders with Turkey and Armenia and to the Southeast with Azerbaijan. The territory of Georgia is 69.700 square kilometers and the population of the country reaches about 3.78 million (Georgia country profile 2021). Georgia is situated at a strategically important crossroads between Western Asia and Eastern Europe, Black and Caspian Seas; it is positioned along the shortest routes between China and Europe. For this reason, throughout history, the country attracted considerable interest in the world's greatest Empires, such as the Russian, Roman, Ottoman, Mongol, and Persian Empires. Georgia was eventually annexed by the Russian Empire in the XIX century. Following the dissolution of the USSR, the country regained independence from the Soviet Union; however civil wars broke out in the country due to the two separatist regions of Abkhazia and South Ossetia. Following the dissolution of the Soviet Union, Georgia hosts two central pipelines: Baku-Tbilisi-Ceyhan oil and Baku-Tbilisi-Erzurum gas pipelines (Image 3) which run from the Caspian Sea to Europe, bypassing Georgian territory and transport Caspian hydrocarbon resources to Europe (Lomia 2017, 116). In the XXI century, Georgia once again attracted worldwide attention since it represents a critical transport node on the Belt and Road Initiative between China and Europe.



Image 3: South Caucasus – International Energy Crossroad (Source: The Foreign Policy Council 2021)

While the US remains Georgia's strongest and the most significant partner abroad Georgia has become a leading recipient of the US financial aid in Eurasia, which covers a wide range of priority areas in political, economic, military, and cultural fields. Georgia, in turn, has achieved significant progress in strengthening democratic values and principles in a very short time and aims to develop modern state institutions (Maisaia and Mikadze 2020, 134). There are strong grounds to believe that Georgia is the most democratic state in the Caucasus region whose international rankings, in terms of democratic development, are constantly increasing (Nikoleishvili and Kiknadze 2020, 129).

The People's Republic of China established diplomatic relations with Georgia on 9 June 1992 (Charaia and Anguridze 2020, 2). Bilateral ties have strengthened gradually since the beginning of the XXI century. Cooperation is mostly confined to the economic sphere, focusing on FDI and trade. Trade relations between the countries were established in 1992 as well (Larsen 2017, 5). According to Larsen (2017, 4), Georgia possesses three key features that make it attractive as a participant in China's Belt and Road initiative: "Free Trade Agreements (FTAs) with both the EU and China; an outlet to the Black Sea and overland links with Turkey, which offer platforms from which China can more efficiently conduct trade with the European Union; and a flexible position at the fulcrum of two regional formats, GUAM and AGT" (Larsen 2017, 4).

Georgia joined the Silk Road Initiative on 9 March 2015, when a new Silk Road Memorandum was signed between the People's Republic of China and Georgia (Charaia and Anguridze 2020, 5). This document led to the foundation for a new type of cooperation between China and Georgia, in the fields of infrastructure, logistics, energy,

agriculture, and other areas, which significantly increased Chinese investment in Georgia. A large-scale Silk Road Forum is held in Tbilisi every two years and it includes the hundreds of leading economists, politicians and journalists, official representatives of the governments of Georgia, China, and other countries as well. The first forum was co-organized by the Prime Minister of Georgia and the People's Republic of China, and since then it has played a major role in the development and promotion of the Belt and Road Initiative in the Caucasus region (Charaia and Anguridze 2020, 7).

As highlighted by Mamradze “historical ancient ‘Great Silk Road’ passed through Georgia and the country, historically, has had friendly relations with ancient civilizations, including China” (Mamradze 2017). The relationship based on mutual trust and cooperation between the former President of Georgia Eduard Shevardnadze and then-President of China Deng Xiaoping deserves special attention as well. A visible illustration of this is the built of a hydroelectric power station in Georgia, with the support of China in Georgia during the most difficult period for Tbilisi (Mamradze 2017). Negotiations on Free Trade Agreement between China and Georgia began in September 2015 and entered an active phase in 2018. Georgia became the first country in the region to have a free trade agreement with both China and the European Union. Today, China is Georgia’s leading trading partner, and Chinese investment in the country is significantly growing in recent years (Image 4).

Share of the top trading partners in total exports in January–July 2021*

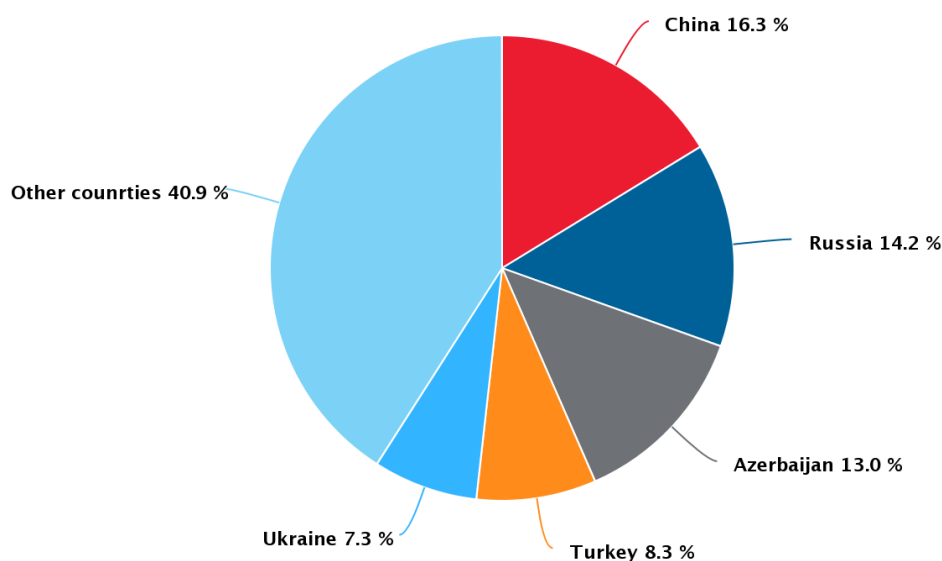


Image 4: Share of the Top Trading Partners in Total Exports in January–July 2021
(Source: National Statistics Office of Georgia)

Although China is a relatively new market for Georgia, the demand for Georgian products in the country is growing monthly. Georgian producers import wine, mineral drinks, nuts, fish and seafood, fruits, vegetables, honey, tea, plastic products, etc., to China. Georgian wine is especially popular in the Chinese market. Since 2018, more than 30 Chinese companies have actively been working with the Georgian side to ensure a high degree of credibility (Charaia and Anguridze 2020, 20-21).

In this prism, the implementation of the 'Anaklia Deepwater Port' project is especially important, which is a vital factor in ensuring the country's security and credibility in an international arena. According to the Chinese project, the 20.5-meter-long deep-water port of Anaklia will be used for transiting goods from China to the European market (Aroshidze 2018).

CONCLUSION

Following the initiation of Xi Jinping's Belt and Road Initiative, China has become a center of global influence. It received the status of great power and became an important factor in today's world order. In this way, China's rise to the way of global hegemony 'has started'. The Belt and Road Initiative aims to deepen the links between China and Europe by expanding the transport network through railways and ports. This will also lead to a significant reduction in transportation costs. Numerous studies have shown that the 'revival' of the historic 'Silk Road' will significantly increase the South Caucasus-China relations and bring economic benefits for both sides.

Today, China is Georgia's third-largest economic partner. Trade and economic turnover between Georgia and China exceed one billion dollars. With the involvement of Georgia in the Chinese project, the country will receive the greatest economic benefits, first of all by attracting investments from China. This, in turn, may become a unique opportunity for the country. Thus, the Georgian government should make every effort to establish closer relations with China. Georgian-Chinese cooperation is especially beneficial for Tbilisi, not only in an economic but also in a political context. The People's Republic of China hugely supports the territorial integrity and sovereignty of Georgia and does not recognize Abkhazia and South Ossetia as independent states.

Therefore, the realization of the Belt and Road Initiative gives Georgia another unique opportunity to become a hub connecting China and the EU and enjoy the economic benefits gained through this. Georgia has already signed a free trade agreement with China and a 'deep and comprehensive free trade agreement' with the European Union, which is a significant achievement for the country. The project is also of great importance in the geopolitical context. The construction of the 'Anaklia Sea project' of Georgia has further worsened the US-China relations as well, which in turn, has already been illustrated in the economic war between Washington and Beijing.

The US is the main strategic partner of Georgia and Georgia has to first and foremost maintained the positive dynamic of the Georgian-American relations. It is significant to note that Georgia's pro-Western orientation has been defined from the very first day of its independence and even though there have been several changes of regime, the country has never altered its long-defined strategic choice. Former Georgian Presidents Zviad Gamsakhurdia and Eduard Shevardnadze took the first steps towards Georgia's pro-Western course, which has been strengthened by Mikheil Saakashvili. Whilst Bidzina Ivanishvili's pro-Russian orientation, at first, raised concerns in Georgian political elites that the US-Georgian relations would undergo certain negative changes and Russian-Georgian relations would improve instead, nevertheless, the Georgian government has continued moving in the right direction and has further deepened the partnership with the United States. Thus, the Georgian government has to carry out a constructive, consistent, and reasonable foreign policy with China not to irritate the US.

On the other hand, Georgia's involvement in the Chinese project will contribute to the further socio-economic development of the country and economically strong Georgia is in the direct interests of the US as well. As for Russia, Moscow seeks to maintain its influence in the Central and South Caucasus region. However, since the 'Central Asia-West Asia' economic corridor does not run directly into Russian territory, successful implementation of the Chinese project is not in Moscow's interests. 🌐

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